

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**NATHANIEL KING,
Plaintiff**

vs.

**DFW INTERNATIONAL AIRPORT
BOARD,
Defendant**

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CIVIL ACTION NO. 4:22-cv-929

**APPENDIX IN SUPPORT OF P’S BRIEF OF HIS MOTION FOR SUMMARY
JUDGMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff, Nathaniel King, who files this Appendix in support of its Brief
in Support of Motion for Summary Judgment.

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Respectfully Submitted,

By: /s/ Wes Dauphinot
WES DAUPHINOT
Lead Attorney
State Bar No. 00793584
wes@dauphinotlawfirm.com
LAW OFFICE OF WES DAUPHINOT, P.C.
900 W. Abram Street
Arlington, Texas 76013
(817) 462-0676 telephone
(817) 704-4788 facsimile
ATTORNEY FOR PLAINTIFF

By: /s/ Hani F. Kobty
HANI F. KOBTY
State Bar No. 24087855
hani@kobtylawfirm.com
KOBTY LAW FIRM, PLLC
900 W. Abram Street
Arlington, Texas 76013
(817) 223-0989 telephone
(817) 549-9325 facsimile
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

On June 14, 2023 the undersigned served a true and correct copy of the foregoing document via the electronic case filing system (ECF) for the Northern District of Texas. The ECF system sent a Notice of Filing to all counsel of record, which constitutes service of this document under Rule 5(b)(2)(e) of the Federal Rules of Civil Procedure.

/s/ Wes Dauphinot
WES DAUPHINOT

Russell, Robin

Wed, 15 Nov 2017 14:35:34 -0600

To: savannah.rubio@matrixcos.com

Cc: Burton, John, Rossorelli, Natalie, Wilson, Renee, Rodriguez, David E, Sibley, Joseph, Sullivan, Jeffery J

RE: eComm NEW_CLAIMS_NOTICE_LOA Nathaniel King DALLAS-FORT WORTH INTL AIRPORT BOARD

Ms. Rubio,

Based on the restrictions noted we can accommodate Officer Nathan King modified duty request. He will be on a 10 hour schedule from 1400-2400 Wednesday through Saturday beginning tomorrow 11/16/2017. If you have any questions, please feel free to contact me via email or at the number below.

Respectfully,

AM Russell

972-973-4645

From: Savannah Rubio [mailto:Savannah.Rubio@matrixcos.com]

Sent: Wednesday, November 15, 2017 2:21 PM

To: Rossorelli, Natalie; Wilson, Renee

Cc: Burton, John

Subject: RE: eComm NEW_CLAIMS_NOTICE_LOA Nathaniel King DALLAS-FORT WORTH INTL AIRPORT BOARD

Hi Natalie,

I have received the completed modified duty work form back from the physician for your review. I will follow up by phone in a few moments to discuss if you are able to accommodate the restrictions given.

Thank you,

Savannah Rubio

Integrated Claims Examiner

MATRIX
ABSENCE MANAGEMENT

A MEMBER OF THE TOKIO MARINE GROUP

Phone: 800-866-2301 Ext. 53165

Email: Savannah.Rubio@matrixcos.com

Web: www.matrixcos.com



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From: Rossorelli, Natalie [mailto:nrossorelli@dfwairport.com]

EXHIBIT A

DFW 004105

Sent: Tuesday, November 14, 2017 12:49 PM

To: Savannah Rubio; Wilson, Renee

Cc: Burton, John

Subject: FW: eComm NEW_CLAIMS_NOTICE_LOA Nathaniel King DALLAS-FORT WORTH INTL AIRPORT BOARD

Case 4:22-cv-00929-P Document 23 Filed 06/14/23 Page 4 of 382 PageID 734

Savannah,

This employee came in and wanted to know if he is released to RTW tomorrow 11/15/17 at 2pm. I also received an email from Shift Supervisor John Burton (below)

It should be noted that he was walking quite slow and sat/stood from sitting very slowly. I would think the attached word form should be completed along with a copy of his job description to ensure he is safe to return to work on light duty.

Sincerely,

Natalie Rossorelli

Risk Analyst

Risk Management

Dallas Fort Worth International Airport

P.O. Box. 619428

DFW Airport, TX 75261-9428

E nrossorelli@dfwairport.com

T (972) 973 5657

F (972) 973 5651

www.dfwairport.com

From: Burton, John

Sent: Tuesday, November 14, 2017 1:38 PM

To: Rossorelli, Natalie

Cc: _DPS Airport Security Assistant Managers

Subject: Return to Work with Restrictions

Greetings Natalie,

Officer Nathan King reported to my office today stating that he is due to return to work tomorrow, Wednesday, November 15, 2017. He stated that he had been out having had surgery. He showed a return to work doctor's note with restrictions to not lift over 15lbs., no other restrictions for a period of 4 weeks.. He states that he had been in contact with Matrix. I was not aware that he was out due to the fact that he is not on my scheduled shift. I asked him to make contact with Risk prior to his return, as I am not aware if there was anything needed on your end. We can accommodate his light duty request and have an assignment for him starting tomorrow. Let me know if there is anything further needed on our end.

Thank you,

John Burton

Assistant Manager

Airport Security Division

Department of Public Safety

Dallas Fort Worth International Airport

P.O. Box 619428

DFW Airport, TX 75261-9428

From: Savannah.Rubio@matrixcos.com [mailto:Savannah.Rubio@matrixcos.com]**Sent:** Friday, November 10, 2017 11:07 AM**To:** Brown, Renee; Nygaard, Sharon; Rushin, Carlisa D; Rodriguez, David E; absencemgmt; _Accounting Payroll; Juren,Patrick E; Rossorelli, Natalie**Cc:** Savannah.Rubio@matrixcos.com**Subject:** eComm NEW_CLAIMS_NOTICE_LOA Nathaniel King DALLAS-FORT WORTH INTL AIRPORT BOARD**eComm # 18080574 : NEW_CLAIMS_NOTICE_Leave , 11/10/2017 08:58:35 PST****Sent To:**rebrown@dfwairport.com, snygaard3@dfwairport.com, crushin@dfwairport.com,
drodriguez@dfwairport.com, Absencemgmt@dfwairport.com, AccountingPayroll@dfwairport.com,
pjuren@dfwairport.com, nrossorelli@dfwairport.com**eComm Information:**Client: DALLAS-FORT WORTH INTL AIRPORT
BOARD

Name: King , Nathaniel

Work State/Province: TX

Employee ID : 7728

Department / Location : Public Safety

Was the disability caused by work : N

Last Date Worked: 11/02/2017

Leave Start Date: 11/08/2017

Expected RTW Date: 11/15/2017

Intermittent (Y/N): N

Reply To: Savannah.Rubio@matrixcos.com

Phone Number: 1-800-866-2301 ext: 53165

Intake Date & Number: 11/09/2017 , # 3176665

Are you Exempt? : N

Supervisor's Name : RodriguezDavid E

Leave Type: FMLA SELF

Expected Leave End Date:

Actual RTW Date:

Special Instructions:**Manager Note:**

This employee has confirmed their last day worked.

Manager Action:

If last day work is inaccurate or you have any questions please contact the Matrix Representative in the eComm Information section above.

Custom Reminders from Intake:**Selected**DFW offers its employees an Employee Assistance Program (EAP) program, through Deer Oaks EAP Services which provides free professional and confidential consulting to you and your family for work and family issues, legal matters, financial issues, addiction and recovery problems, resources for seniors and childcare and any stress-related issues you may need some help with. To contact Deer Oaks EAP Services call twenty-four hours a day seven days a week at 1 (866) 327-2400, log-on eap@deeroaks.com or email www.deeroaks.com. The information shared with the EAP carrier is strictly confidential

Y

If you are released to return to work, you are required to provide a written Return to Work note from your physician to Matrix prior to the scheduled return to work date. If you have any work restrictions or accommodations, please contact your Matrix Integrated Claims Examiner to discuss potential Return to Work options. Failure to provide a Return to Work Notice to your supervisor on the day you return to work may result with you not being transitioned to active work status until one is provided.

Y

Please be aware that you may receive automated phone messages from Matrix Absence Management. These automated messages are intended to provide you with important

information and updates regarding your claim. If you receive one of these automated messages, there is no need to call us back unless you have questions regarding your claim or the process.

***** Notice ***** The information contained in this e-mail, including attachments, may contain confidential information that is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, or the person responsible for delivering this message to the intended recipient, you are hereby notified that any review, dissemination, distribution, copying or other use of, or taking any action in reliance upon this information is strictly prohibited. If you have received this communication in error, please contact the sender immediately and then delete the material from your computer.

Thompson, Rodney W

Thu, 30 Jan 2020 13:06:24 +0000

To: Boston, Chris W, Burton, John

FW: Work with Accommodations

fyi

From: Alderman, Carl Keith <CAlderman@dfwairport.com>
Sent: Thursday, January 30, 2020 3:12 AM
To: Thompson, Rodney W <rthompson@dfwairport.com>
Subject: FW: Work with Accommodations

Just so your tracking Sir.

Regards,

Keith Alderman

Security Shift Supervisor

Airport Security Division

Department of Public Safety

Dallas Fort Worth International Airport

P.O. Box 610687

DFW Airport, TX 75261

Cell: (972) 948-7207 or (972) 948-9207

From: Rossorelli, Natalie <nrossorelli@dfwairport.com>
Sent: Wednesday, January 29, 2020 11:56 PM
To: King, Nathaniel R <nking@dfwairport.com>
Cc: Alderman, Carl Keith <CAlderman@dfwairport.com>; Stevens, Barry C <bstevens@dfwairport.com>
Subject: Re: Work with Accommodations

This is the post that has been identified by your department and risk management for your modified duty post and operationally is the open space available. At this time there will be no change made.

Thank you,
Natalie Rossorelli

From: King, Nathaniel R <nking@dfwairport.com>
Sent: Wednesday, January 29, 2020 10:08:57 PM
To: Rossorelli, Natalie <nrossorelli@dfwairport.com>
Cc: Alderman, Carl Keith <CAlderman@dfwairport.com>; Stevens, Barry C <bstevens@dfwairport.com>
Subject: RE: Work with Accommodations

No medical reason, do I need one to ask for another spot for accommodations? I just want to be productive. I am not doing anything in the dock except sitting on a chair.

Thank you,
Nathan King

From: Rossorelli, Natalie <nrossorelli@dfwairport.com>
Sent: Tuesday, January 28, 2020 8:22 AM

King, Nathaniel R

Thu, 30 Jan 2020 04:08:57 +0000

To: Rossorelli, Natalie

Cc: Alderman, Carl Keith, Stevens, Barry C

RE: Work with Accommodations

No medical reason, do I need one to ask for another spot for accommodations? I just want to be productive. I am not doing anything in the dock except sitting on a chair.

Thank you,
Nathan King

From: Rossorelli, Natalie <nrossorelli@dfwairport.com>
Sent: Tuesday, January 28, 2020 8:22 AM
To: King, Nathaniel R <nking@dfwairport.com>
Cc: Alderman, Carl Keith <CAlderman@dfwairport.com>; Stevens, Barry C <bstevens@dfwairport.com>
Subject: RE: Work with Accommodations

Is there a medical reason you wish to move related to your current modified duty sir?

Thank you,
Natalie Rossorelli
Risk Analyst
972-973-5657
nrossorelli@dfwairport.com

From: King, Nathaniel R <nking@dfwairport.com>
Sent: Tuesday, January 28, 2020 1:21 AM
To: Rossorelli, Natalie <nrossorelli@dfwairport.com>
Cc: Alderman, Carl Keith <CAlderman@dfwairport.com>; King, Nathaniel R <nking@dfwairport.com>; ray_sir_6 <ray_sir_6@yahoo.com>
Subject: RE: Work with Accommodations

I was told that I needed to discuss with you any adjustments to my accommodations. I am currently at the E Dock and have requested an admin role even if it would require a shift change. I know these positions have been given to many other CSOs who had accommodations within the past few months. Can I be moved to one of these roles?

Thank you,
Nathan King

From: Rossorelli, Natalie <nrossorelli@dfwairport.com>
Sent: Thursday, January 16, 2020 9:55 AM
To: King, Nathaniel R <nking@dfwairport.com>
Subject: RE: Work with Accommodations

I really need to know from you physicians how long you need modified duty for. We need to review in the next three weeks or less. Modified Duty is a temporary assignment and we need to know to what extent your treatment plan needs it for.

Thank you,

Stevens, Barry C

Tue, 28 Jan 2020 17:28:21 +0000

To: Rossorelli, Natalie

Re: Work with Accommodations

I'll whistle in a sec.

Get [Outlook for iOS](#)

From: Rossorelli, Natalie <nrossorelli@dfwairport.com>
Sent: Tuesday, January 28, 2020 11:27:52 AM
To: Stevens, Barry C <bsteven@dfwairport.com>
Subject: RE: Work with Accommodations

Absolutely!

From: Stevens, Barry C <bsteven@dfwairport.com>
Sent: Tuesday, January 28, 2020 11:27 AM
To: Rossorelli, Natalie <nrossorelli@dfwairport.com>
Subject: Re: Work with Accommodations

I'm doing interviews at DFWHQ. Can I meet with you in 15-20 mins?

Get [Outlook for iOS](#)

From: Stevens, Barry C
Sent: Tuesday, January 28, 2020 10:29:34 AM
To: Rossorelli, Natalie <nrossorelli@dfwairport.com>
Subject: RE: Work with Accommodations

Agreed. I believe we have historically assigned those who need modified duty to the docks for that very reason. If we had an abundance of administrative work for him to do, I'm sure we could accommodate him in the office. However, such is not the case.

From: Rossorelli, Natalie <nrossorelli@dfwairport.com>
Sent: Tuesday, January 28, 2020 10:27 AM
To: Stevens, Barry C <bsteven@dfwairport.com>
Subject: RE: Work with Accommodations

Yes I am disinclined to change a position of modified duty if he just doesn't like it. However; if there is a reason that he medically cannot perform the duties assigned we should consider otherwise people don't get to pick and choose.

But it is my understanding this post is very sedentary and if he cannot do this he cannot do office work either and may need to go back out.

Nat

From: Stevens, Barry C <bsteven@dfwairport.com>
Sent: Tuesday, January 28, 2020 10:23 AM
To: Rossorelli, Natalie <nrossorelli@dfwairport.com>
Subject: RE: Work with Accommodations

Natalie, EXHIBIT C



MEMO

TO: Nathaniel King
FROM: Carl Alderman
DATE: January 27, 2020
SUBJECT: Leave Without Pay

As of **January 19, 2020**, Payroll records reflect you have incurred **56.01** hours of leave without pay for the 2020 fiscal year.

The Dallas/Fort Worth International Airport Board Policy Manual, Leave Without Pay Policy states, in pertinent part:

3.3 Maximum Use of Leave Without Pay

3.3.1 Leave without pay may not be granted in excess of the hours stated below:

3.3.1.1 80 hours per payroll fiscal year for regular full-time or contract full-time employees;

3.3.2 Leave without pay in excess of the ...80...hours per payroll fiscal year may subject the employee to corrective action and/or termination of employment, except for family and medical leave (FML), supplemental disability pay leave (SDP), on-the-job injury (OJI), and military leave approved absences.

3.3.2.1 Approved absences due to FML, SDP, OJI, and military leave will not be counted towards leave without pay balance.

3.3.2.2 Non-approved absences under FML, SDP, OJI, and military leave will be counted towards leave without pay balance.

Please sign that you have read and understand the above Leave Without Pay Policy.



Signature

27 JAN 20

Date

Department of Public Safety

Dallas Fort Worth International Airport
P.O. Box 610687
DFW Airport, TX 75261
Cell: (972) 948-7207 or (972) 948-9207

From: Carina.Rizo@matrixcos.com <Carina.Rizo@matrixcos.com>

Sent: Friday, January 10, 2020 6:36 PM

To: Carina.Rizo@matrixcos.com; Nygaard, Sharon <snygaard3@dfwairport.com>; Rushin, Carlisa D <crushin@dfwairport.com>; Brown, Renee <ReBrown@dfwairport.com>; absencemgmt <absencemgmt@dfwairport.com>; _Accounting Payroll <AccountingPayroll@dfwairport.com>; Timm.Richardson@matrixcos.com; Alderman, Carl Keith <CAlderman@dfwairport.com>

Cc: Carina.Rizo@matrixcos.com

Subject: eComm RESTRICTIONS_STD Nathaniel King DALLAS-FORT WORTH INTL AIRPORT BOARD

Caution: This email originated outside of DFW Airport. Do not click links or open attachments unless you recognize the sender and know the contents are safe. Report this email to phishing@dfwairport.com, if you believe it is suspicious.

eComm # 24741193 : RESTRICTIONS_STD , 01/10/2020 16:25:48 PST

Sent To:

Carina.Rizo@matrixcos.com, snygaard3@dfwairport.com, crushin@dfwairport.com, rebrown@dfwairport.com, Absencemgmt@dfwairport.com, AccountingPayroll@dfwairport.com, Timm.Richardson@matrixcos.com, CAlderman@dfwairport.com

eComm Information:

Client: **DALLAS-FORT WORTH INTL AIRPORT BOARD**

Name: **King , Nathaniel**

Work State/Province: **TX**

Employee ID : **7728**

Department / Location : **Public Safety**

Last Date Worked: **11/08/2019**

Benefit Start Date: **11/16/2019**

Restrictions Start Date: **01/07/2020**

Restrictions Type: **Medical and Work Hour Limits**

Restrictions Comments:

Serious Health Condition: **2 - Absence Treatment**

Reply To: Carina.Rizo@matrixcos.com

Phone Number: **1-800-866-2301 ext: 52084**

Claim Number: **2019-11-14-0645-ASW-01**

Intake Date & Number: **11/14/2019 , # 4004502**

Are you Exempt? : **N**

Expected RTW Date: **01/10/2020**

Benefit End Date: **01/02/2020**

Restrictions End Date:

Comments:

Fit for duty received stating Nathaniel may return to work on 01/07/2020 with the following restrictions: Unable to stand greater than 20 minutes per hour. No repetitive bending, squatting, or stooping. Limit walking to less than one mile per work day. Limit driving time to less than 2 hours per work day. Can this be accommodated?

Special Instructions:

Manager Note:

Please refer to the Restrictions listed above.

If there are any questions, please contact the Matrix Representative in the eComm Information section above or your DFW Airport Risk Management Representative.

***** Notice ***** The information contained in this e-mail, including attachments, may contain confidential information that is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, or the person responsible for delivering this message to the intended recipient, you are hereby

ADA Advantage™**EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION FORM**

YOUR NAME: [REDACTED]

TODAY'S DATE: 6/30/2023

YOUR EMPLOYEE ID: [REDACTED]

EMPLOYER: DRW Airport Board

LOCATION: DRW Airport

POSITION/TITLE: Civilian Security Officer

PERSONAL (NOT WORK) EMAIL ADDRESS: [REDACTED]

PRIMARY TELEPHONE NUMBER: 622-432-7169

SUPERVISOR NAME/DEPARTMENT HEAD: [REDACTED]

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Employee Responsibility: Once you have completed this form, please return it to MatrixADASpecialist@matrixcos.com. This form will be kept separate from your personnel file and as a confidential medical record. Medical information will be kept confidential and not disclosed except to your employer's Human Resources Department personnel as needed to determine reasonable accommodation and, otherwise, as required or permitted by law. Please email MatrixADASpecialist@matrixcos.com if you need assistance in completing this form.

1. Limitations.

Please describe the limitations you are experiencing that result from your medical condition, and how those limitations are specifically preventing or negatively impacting your ability to perform the essential functions and/or meet performance and attendance requirements of your job.

1. Unable to operate / ride in a vehicle > 2hrs due to required safe sitting position. Prevents: Doing constant vehicle patrols/rover.
2. Unable to repeatedly stand up from a seated position. Prevents: Standing for all face-to-face interactions.
3. Unable to repeatedly bend, squat, or stoop. Prevents: Inspecting items / bags on a table while standing.
4. Unable to repeatedly lift / carry over 70lbs. Prevents: Moving of heavy items.
5. Unable to walk > 45min. Prevents: Doing constant terminal patrols.
6. Unable to stand > 20min. Prevents: Standing at posts.
7. Unable to use stairs over 25 steps. Prevents: using stairs to ascend / descend over 2 stories.

(continued)

RELIANCE STANDARD
A MEMBER OF THE TOKIO MARINE GROUP

MATRIX
ABSENCE MANAGEMENT
A MEMBER OF THE TOKIO MARINE GROUP

ADA AdvantageTM

EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION FORM

(continued)

2. Reasonable Accommodation(s) Requested:

Please check any and all of the below, as applicable, and explain.

- ☒ Ergonomic (chair, keyboard, mouse, etc.): No stools. Chairs must have back support.
- ☐ Facility (workstation, parking, etc.)
- ☐ Break time adjustment
- ☐ Work schedule/location adjustment
- ☐ Leave of absence, full or part-time or reduced schedule — Please contact Matrix at 888-477-5110 to request a leave of absence.
- ☒ Other (explain)

Adjusted physical activities:

1. 30min out of vehicle every 2hrs. 2. No sitting-to-standing >5x per 30min. 3. High tables for inspections. 4. No heavy items >5x per hour.
5. 1hr = 45min walking, 15min sitting 6. No standing over 20min per hour. 7. Use elevator, and / or stair use to once per 2hrs.

3. Why

For each accommodation you have listed in response to question #1, above, describe how or why you believe that, if the accommodation is provided, it would enable you to overcome the limitations described in response to question #2 so that you could perform the essential functions and/or meet performance and attendance requirements of your job.

1 to 7: These accommodations would significantly reduce activities that cause flare-ups in my lower back and hips, which is what causes all difficulties doing essential functions and/or meeting performance and attendance requirements.

YOUR NAME: Nathaniel R. King

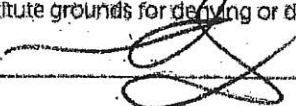
PHYSICIAN NAME: Kelly Derrick

PHYSICIAN PHONE: 817-730-0000

PHYSICIAN FAX: 817-730-0814

PHYSICIAN ADDRESS: 2201 SE Loop 820, Fort Worth, TX 76119

By signing below, I attest that the information I have provided on this form is accurate, true and correct to the best of my knowledge. I understand that my employer reserves the right to verify any and all information in this request or in connection with my request. Therefore, I understand and agree that my failure to provide accurate, true and correct information may constitute grounds for denial of my request for accommodation and discipline, and my failure to provide such information in a timely manner may constitute grounds for denying or delaying my requested accommodation(s).

SIGNATURE:  DATE: 7/31/2020

RELIANCE STANDARD
A MEMBER OF THE TOKIO MARINE GROUP

MATRIX
ABSENCE MANAGEMENT
A MEMBER OF THE TOKIO MARINE GROUP

**AUTHORIZATION FOR RELEASE
AND USE OF MEDICAL INFORMATION— ADA**

To: All physicians and other health care professionals, hospitals, other health care institutions, insurers, medical, hospital and prepaid health plans, pharmacies, employers, group policyholders, contract holders, governmental agencies, private and/or public benefit plan administrators, and/or attorney representatives, including but not limited to covered entities and business associates under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the accompanying regulations:

You are authorized to provide Matrix Absence Management and any of its agents or representatives with all of my health information, referred to in this Authorization as "Medical Information," including, but not limited to, facts and particulars, reports, records, results of diagnostic tests, x-rays, statements of charges, diagnoses, treatments rendered, prognoses, estimates of disability, recommendations for further medical treatment, reports, statements, charts, notations, correspondence, photographs, videos, digital images, or films relating to my medical condition, care, treatment, or evaluations.

IMPORTANT NOTICE: The Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. **"Genetic information,"** as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

You are authorized to disclose all Medical Information to Matrix Absence Management for the purpose of evaluating, managing, and otherwise handling one or more claims that I have filed for monetary or other benefits, leave of absence, and/or accommodation pursuant to a disability plan or insurance, worker's compensation, company policy, the Americans with Disabilities Act (as amended), or other federal, state, or municipal law. Matrix Absence Management may use my Medical Information and may redisclose my Medical Information to other persons or entities for the purposes of evaluating my eligibility and/or entitlement on such claim(s).

MATRIX

ABSENCE MANAGEMENT

A MEMBER OF THE FORTIS FINANCIAL GROUP

Matrix Absence Management, Inc. P.O. Box 13498 Philadelphia, PA 19101 Fax No.: 877-670-2892

I understand that disclosure of the above requested Medical Information may include disclosure of protected health information as defined by HIPAA and the accompanying regulations. I understand that HIPAA permits redisclosure of information by a non-covered entity such as Matrix Absence Management without further authorization and, consequently, federal and state privacy laws may no longer apply.

If my claim relates to a medical condition involving psychiatric/mental illness, drug or alcohol treatment, or treatment for the Human Immunodeficiency Virus (HIV), I understand that records regarding these conditions are protected records and it is my right not to allow access to these records. Understanding this, I wish to have these records released so that Matrix Absence Management will have a full understanding of my medical condition and claims.

I understand that I am entitled to receive a copy of this Authorization upon request.

A copy of this Authorization is as valid and effective as the original.

I am signing this Authorization voluntarily. I understand that treatment, payment, or my eligibility for benefits or other claims will not be affected if I do not sign this Authorization.

I understand that I may revoke this Authorization at any time upon written notice to the address below, but that the revocation will not affect Medical Information that has already been used or disclosed.

Notwithstanding any other provision of this document, this Authorization may terminate one year from the date signed.

Name (print): Nathaniel Ryan King

Signature: 

Date of Birth: 05/01/1977

Social Security No.: 453-53-3729

Date: 7/31/2020

If unable to sign, an Authorized Person may sign.

Authorized Person's Name (print): _____

Authorized Person's Signature: _____

Date: _____

Description of authority to sign on behalf of above person: _____

MATRIX
ABSENCE MANAGEMENT

A MEMBER OF THE TOKIO MARINE GROUP

Matrix Absence Management, Inc. PO Box 13498 Philadelphia, PA 19101 Fax No.: 877-670-2892

**EMPLOYEE MEDICAL CERTIFICATION FORM
IN RESPONSE TO AN ACCOMMODATION REQUEST**

Name:	Date of Birth:	Employer:
Nathaniel Ryan King	05/01/1977	DFW Airport Board
A. Questions to help determine whether an employee has an ADA qualifying disability.		
For reasonable accommodation under the ADA, an employee has a disability if he or she has an impairment that substantially limits one or more major life activities or a record of such impairment. The following questions may help determine whether an employee has a disability:		
Does the employee have a physical impairment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Does the employee have a mental impairment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Answer the following question based on what limitations the employee has when his or her condition is in an active state and what limitations the employee would have if no mitigating measures were used.*		
Does the impairment substantially limit a major life activity as compared to most people in the general population? **	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If yes, what major life activity(s) (includes major bodily functions) is/are affected?		
<input checked="" type="checkbox"/> Bending	<input type="checkbox"/> Hearing	<input type="checkbox"/> Reaching
<input type="checkbox"/> Breathing	<input type="checkbox"/> Interacting With Others	<input type="checkbox"/> Reading
<input checked="" type="checkbox"/> Caring For Self	<input type="checkbox"/> Learning	<input type="checkbox"/> Seeing
<input type="checkbox"/> Concentrating	<input checked="" type="checkbox"/> Lifting	<input type="checkbox"/> Sitting
<input type="checkbox"/> Eating	<input checked="" type="checkbox"/> Performing Manual Tasks	<input type="checkbox"/> Sleeping
<input type="checkbox"/> Speaking	<input type="checkbox"/> Standing	<input type="checkbox"/> Thinking
<input type="checkbox"/> Walking	<input checked="" type="checkbox"/> Working	<input type="checkbox"/> Other: (describe)
Major bodily functions:		
<input type="checkbox"/> Bladder	<input type="checkbox"/> Digestive	<input type="checkbox"/> Lymphatic
<input type="checkbox"/> Bowel	<input type="checkbox"/> Endocrine	<input checked="" type="checkbox"/> Musculoskeletal
<input type="checkbox"/> Brain	<input type="checkbox"/> Genitourinary	<input type="checkbox"/> Neurological
<input type="checkbox"/> Cardiovascular	<input type="checkbox"/> Hemic	<input type="checkbox"/> Normal Cell Growth
<input type="checkbox"/> Circulatory	<input type="checkbox"/> Immune	<input type="checkbox"/> Operation of an Organ
<input type="checkbox"/> Reproductive	<input type="checkbox"/> Respiratory	<input type="checkbox"/> Special Sense Organs & Skin
<input type="checkbox"/> Other: (describe)		

B. Questions to help determine whether an accommodation is needed.
An employee with a disability is entitled to an accommodation only when the accommodation is needed because of the disability. The following questions may help determine whether the requested accommodation is needed because of the disability.
What limitation(s) is interfering with job performance or accessing a benefit of employment? <i>Unable to operate ride in a vehicle > 2 hours, unable to repeatedly stand up from a seated position, unable to repeatedly bend, squat, or stoop, unable to lift/carry > 70 pounds, unable to walk > 45 minutes, unable to stand > 30 minutes, unable to use stairs greater than 25 steps.</i>
What job function(s) or benefit(s) of employment is the employee having trouble performing or accessing because of the limitation(s)? <i>Perform Intro's</i>
Is the employee taking medications that could impair his/her ability to perform the Essential Functions of the job safely? <i>No, prescribed medications are not taken before or during work because of causing drowsiness.</i>
How does the employee's limitation(s) interfere with his/her ability to perform the job function(s) or access a benefit of employment? <i>Restricts repetition or duration of certain physical activities.</i>
C. Questions to help determine effective accommodation options.
Do you have any suggestions regarding possible accommodations that would enable the employee to perform the job? If yes, please complete the appropriate section(s) below:
♦ IF THIS IS FOR A WORK PLACE ACCOMMODATION, COMPLETE THE FOLLOWING.
For each possible workplace accommodation, indicate if <u>temporary</u> or <u>permanent</u> , and if temporary include start date _____ and end date _____. <i>Adjust physical activities = 30 minutes out of vehicle every 2 hours. No sitting-to-standing > 5x per 30 minutes, high tables for inspections, No lift heavy items > 50 lbs per hour, 1 hour = 45 minutes walking, 15 minutes sitting, No standing > 30 minutes/hour, use elevator and/or use stairs once per 2 hours.</i>
How would your suggestions enable the employee to perform the job? <i>Reduces repetition or duration of certain physical activities to a level which reduces the likelihood of flare-ups or acute exacerbation of symptoms.</i>
♦ IF THIS IS FOR CONTINUOUS TIME OFF, COMPLETE THE FOLLOWING.
Start date _____ and end date _____ (An estimate is needed in order to process request)
If this is for continuous time off, complete the following:
If the suggested accommodation is additional leave, why has this leave been extended? What is the likelihood that this employee will need additional leave and if so, how much?

<p>♦ IF THIS IS FOR INTERMITTENT TIME OFF, COMPLETE THE FOLLOWING.</p>	
<p>Will the impairment cause episodic flare-ups periodically preventing the employee from performing his/her job functions? <u>No</u> <u>Yes</u>.</p>	
<p>Is it medically necessary for the employee to be absent from work during the flare-ups? <u>No</u> <u>Yes</u>. If so, explain: <u>Flare-ups require the use of prescription medications that can cause drowsiness.</u></p>	
<p>Based upon the employee's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):</p> <p>Frequency: <u>1</u> times per <u>1</u> week(s) <u>1</u> month(s)</p> <p>Duration: <u>1-2</u> hours or <u>1-2</u> day(s) per episode</p> <p>Start Date: <u>today</u> End Date: <u>2021</u></p>	
<p>D. Other questions or comments.</p>	
<p>Medical Professional's Signature: <u>Kelly Derrick DO</u> Date: <u>7/28/2020</u></p> <p>[Print] First Name: <u>Kelly</u> Last Name: <u>Derrick</u></p> <p>Phone: <u>817-730-0000</u> Fax: <u>817-730-0814</u></p>	
<p>The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.</p>	
<p>Please return this form to: 877-870-2892 Phone: 800-980-1008</p>	

Dong, Qing

Wed, 22 Jul 2020 20:45:10 +0000

To: Young, Carl W

RE: Disability Information

Carl,
Nathaniel King was hired on 2/8/2016. In reviewing his application, he either skipped or did not self-identify disability.

However, I do see his disclosure of disabled status dated 6/12/2018 in Employee data:

Disability	Accomm Request	Accomm Option	Accomm Job Task
Nathaniel King		Person ID 7728	
Disability Status			
<input checked="" type="checkbox"/> Disabled			
USA			
Section 503			
Disability Status		Disabled	View History
Disclosure Date		06/12/2018	

Please let me know if you have more questions.

Thanks,

Jackie Dong, SPHR

HRIS Manager
Human Resources

Phone: (972) 973 1137

Email: qdong@dfwairport.com

From: Young, Carl W <cyoung@dfwairport.com>

Sent: Wednesday, July 22, 2020 2:57 PM

To: Dong, Qing <QDong@dfwairport.com>

Subject: RE: Disability Information

Thanks Jackie. The employee's name is Nathaniel King.

Carl Young

Senior HR Consultant
972-973-6389 (office)
214-960-9994 (mobile)

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Sent: Tuesday, January 28, 2020 8:22 AM**To:** King, Nathaniel R <nking@dfwairport.com>**Cc:** Alderman, Carl Keith <CAlderman@dfwairport.com>; Stevens, Barry C <bstevens@dfwairport.com>**Subject:** RE: Work with Accommodations

Is there a medical reason you wish to move related to your current modified duty sir?

Thank you,

Natalie Rossorelli

Risk Analyst

972-973-5657

nrossorelli@dfwairport.com

From: King, Nathaniel R <nking@dfwairport.com>**Sent:** Tuesday, January 28, 2020 1:21 AM**To:** Rossorelli, Natalie <nrossorelli@dfwairport.com>**Cc:** Alderman, Carl Keith <CAlderman@dfwairport.com>; King, Nathaniel R <nking@dfwairport.com>; ray_sir_6 <ray_sir_6@yahoo.com>**Subject:** RE: Work with Accommodations

I was told that I needed to discuss with you any adjustments to my accommodations. I am currently at the E Dock and have requested an admin role even if it would require a shift change. I know these positions have been given to many other CSOs who had accommodations within the past few months. Can I be moved to one of these roles?

Thank you,

Nathan King

From: Rossorelli, Natalie <nrossorelli@dfwairport.com>**Sent:** Thursday, January 16, 2020 9:55 AM**To:** King, Nathaniel R <nking@dfwairport.com>**Subject:** RE: Work with Accommodations

I really need to know from you physicians how long you need modified duty for. We need to review in the next three weeks or less. Modified Duty is a temporary assignment and we need to know to what extent your treatment plan needs it for.

Thank you,

Natalie Rossorelli

Risk Analyst

3-5657

**eComm # 26309328 : DENY_STD , 06/18/2020 15:23:35 PST****Sent To:**

Carina.Rizo@matrixcos.com, snygaard3@dfwairport.com, crushin@dfwairport.com, rebrown@dfwairport.com, Absencemgmt@dfwairport.com, AccountingPayroll@dfwairport.com, mstrickland@dfwairport.com

eComm Information:

Client: DALLAS-FORT WORTH INTL AIRPORT BOARD

Name: King , Nathaniel

Work State/Province: TX

Employee ID : 7728

Department / Location : Public Safety

Last Date Worked: 04/24/2020

Expected RTW Date: 06/20/2020

Denial Reason : Other

Reply To: Carina.Rizo@matrixcos.com

Phone Number: 1-800-866-2301 ext: 52084

Claim Number: 2020-04-27-0145-ASW-01

Intake Date & Number: 04/20/2020 , # 4221048

Are you Exempt? : N

Leave Start Date: 04/25/2020

Denial Date: 06/18/2020

Other Reason for Denial:

Serious Health Condition :

Comments:

Employees Short term disability has been denied due to medical does not support disability per policy. Leave closed.

Special Instructions:**Manager Note:**

Your employee's disability request has been denied. Please refer to the comments section above for the denial reason.

Manager Action:

If your employee has taken the time away from work, is back at work and now has unapproved absences for a period of time and you would like to discuss next steps, contact your DFW Airport Human Resources Consultant.

If you have spoken with your employee, but they have not returned to work, contact the Matrix Representative in the eComm Information section above to determine next course of action.

DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD

SHORT TERM DISABILITY PLAN

Effective Date of Plan: January 1, 2015



MATRIX
ABSENCE MANAGEMENT
A MEMBER OF THE TOKIO MARINE GROUP

DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD

SHORT TERM DISABILITY PLAN

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DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD

SHORT TERM DISABILITY PLAN

Effective Date of Plan: January 1, 2015

I. DEFINITIONS

- A. Active Employment “Active Employment” means performance by the Employee of the regular duties of his or her work on any day that is one of the Company’s scheduled work days. A period of Active Employment will also include (i) day(s) of Time Off with Pay that have been scheduled by an Employee, and (ii) days that are not the Company’s scheduled workdays, provided the Employee is in Active Employment on the preceding scheduled workday.
- B. Claims Administrator “Claims Administrator” means Matrix Absence Management, Inc. a third-party claims administration company acting on behalf of Dallas-Fort Worth International Airport Board in the initial determination and administration of claims and appeals under this Plan. Matrix can be contacted by calling 1-877-202-0055 or online at www.matrixabsence.com to report a claim for benefits.
- C. Company “Company” means Dallas-Fort Worth International Airport Board and any successor thereto. In addition, for the purpose of determining eligibility to participate in the Plan, “Company” also means any subsidiary of Dallas-Fort Worth International Airport Board which the officers of Dallas-Fort Worth International Airport Board in their sole discretion, authorize to participate in the Plan.
- D. Disability “Disability” means any physical or mental condition arising from a non-occupational injury, illness, or pregnancy that renders an Employee incapable of performing the material duties of his or her regular job or any reasonably related job. An Employee will also be considered to have sustained a Disability if:
1. he or she is ordered not to work by written order from a state or local health officer because he or she is infected with, or suspected of being infected with, a communicable disease; or
 2. he or she has been referred or recommended by competent medical authority to participate as a resident in either an alcohol abuse treatment program or drug abuse treatment program, or to participate in an outpatient program for the treatment of drug or alcohol abuse.

An Employee will not be considered disabled if (i) he or she is performing work of any kind for remuneration or profit unless with the prior approval of the Plan Administrator, or (ii) he or she declines alternative employment by the Company which is within the Employee’s capabilities and, as determined solely by the Company, has status and compensation comparable to the Employee’s previous job.

- E. Earnings “Earnings” means the Employee’s basic wage or salary, including commissions, on the date immediately preceding the onset of Disability. Earnings do not include bonuses, overtime or any additional forms of compensation.
- F. Effective Date “Effective Date” of the Plan means January 1, 2015.
- G. Employee “Employee” means a person who is an active full-time Employee of the Company regularly scheduled to work at least forty (40) hours per week.
- Part-time, temporary or seasonal employees, sub-contractors or anyone similarly classified and performing services for Dallas-Fort Worth International Airport Board is not eligible to participate in the Plan.
- H. Health Care Professional “Health Care Professional” means a Physician or other Health Care Professional licensed, accredited, or certified to perform specified health services consistent with State law.
- I. Objective Medical Evidence “Objective Medical Evidence” means a measurable abnormality which is evidenced by one or more standard medical diagnostic procedures including laboratory tests, physical examination findings, X-rays, MRIs, EEGs, ECGs, CAT scans or similar tests that support the presence of a Disability or indicate a functional limitation. Objective Medical Evidence does not include physician's opinions based solely on the acceptance of subjective complaints (e.g. headache, fatigue, pain, nausea), age, transportation, local labor market and other non-medical factors. To be considered an abnormality, the test result must be clearly recognizable as out of the range of normal for a healthy population; the significance of the abnormality must be understood and accepted in the medical community and the abnormality must support and correlate to the disability and not be merely an incidental finding.
- J. Occupational Injury or Illness “Occupational Injury or Illness” means an Injury or Illness that was caused by or aggravated by any employment for pay or profit or any Injury or Illness which the Employee alleges was caused by any employment for pay or profit.
- K. Physician “Physician” means a physician, surgeon, dentist, podiatrist, osteopathic or chiropractic practitioner, or psychologist who is duly licensed and acting within the scope of his or her practice. “Psychologist” means a licensed psychologist in the state of practice, and who either (1) has at least two years clinical experience in a recognized health setting, or (2) has met the standards of the National Register of the Health Service Providers in Psychology. For the purpose of Disability related to normal pregnancy or childbirth, a midwife, nurse-midwife and a nurse practitioner duly licensed and acting within the scope of his or her practice, are physicians. The Physician may not be the Employee, a relative by blood or marriage, or a domestic partner.

- L. Plan “Plan” means the Dallas-Fort Worth International Airport Board Short Term Disability Income Plan, as herein set forth and as it may be amended from time to time.
- M. Plan Administrator “Plan Administrator” means the Company.
- N. Plan Year “Plan Year” means the twelve (12) month period ending December 31st.

II. PARTICIPATION

- A. Eligibility for Participation A person who is an Employee on the Effective Date of the Plan is eligible to participate on the later of 1) the Effective Date of the Plan or 2) the date on which the Employee meets six (6) months of Active Employment with the Company. A person who becomes an Employee after the Effective Date of the Plan will become eligible to participate in the Plan on the date on which the employee meets six (6) months of Active Employment with the Company.

Any Service Waiting Period will be waived if an Employee's participation in the Plan ends because he or she is no longer in an eligible class, but he or she continues to be employed by the Company and within one year becomes a member of an eligible class.

- B. Effective Date of Participation An Employee becomes a Participant on the date he or she becomes eligible, provided, however, that if an Employee is not in Active Employment on the date that his or her participation would otherwise become effective, his or her participation will be deferred until the date on which he or she returns to Active Employment.

- C. Cessation of Participation An Employee will automatically cease to participate on the earliest of the following:

1. the date on which the Participant ceases to be an Employee;
2. the date on which the Participant is placed on layoff status; or
3. the date on which this Plan terminates.

III. ELIGIBILITY FOR BENEFITS

- A. Elimination Period A Participant who sustains a Disability will, subject to the provisions of the Plan, become eligible to receive benefits on his or her eighth (8th) day of Disability, provided the Participant has been examined by or is under the care of a Physician during some portion of that period.

A Participant's available sick days will be used to cover the Elimination Period, or his or her accrued Time Off with Pay, if the Participant does not have enough sick days to satisfy the Elimination Period. All of a Participant's available sick time will be used before Disability benefits will be paid. Once a Participant's sick time has been exhausted, he or she may choose to use accrued Time Off with Pay. The maximum duration for any one period of Disability is one hundred eighty (180) days from the onset of Disability.

Subsequent periods of Disability, separated by thirty (30) days of continuous Active Employment at the Participant's normal work schedule will be considered one period of Disability, unless the subsequent Disability is due to an injury or illness found by the Claims Administrator to be entirely unrelated to the cause of the previous Disability and commences after return to Active Employment with the Company for at least one (1) day.

- B. Disability Determination The Claims Administrator will determine whether a Disability exists with respect to a Participant on the basis of (i) Objective Medical Evidence, (ii) a certificate from the Participant's Physician, or (iii) any such other information as the Claims Administrator, in its sole discretion, deems relevant to such determination.

Certificates from the Participant's Physician must contain (i) a diagnosis and diagnostic code prescribed in the International Classification of Diseases, or, where no diagnosis has yet been obtained, a detailed statement of symptoms, (ii) a statement of the medical facts within the Physician's knowledge, based on a physical examination and a documented medical history of the Participant by the Physician, (iii) the Physician's conclusion as to the Participant's Disability, and (iv) a statement of the Physician's opinion as to the expected duration of the Disability.

- C. Exclusions No Participant will be entitled to a benefit under this Plan if:
1. his or her Disability arises out of, relates to, is caused by or results from an intentionally self-inflicted Injury or Illness, whether sane or insane;
 2. his or her Disability arises out of, relates to, is caused by or results from an Injury or Illness to which a contributing cause was the Participant's commission or attempted commission of a felony, or the Participant's engagement in an illegal occupation;

3. his or her Disability arises out of, relates to, is caused by or results from an Injury or Illness due to war or any act of war, declared or undeclared, insurrection, rebellion, participation in a riot, or service in the armed forces of any country or international authority;
4. his or her Disability arises out of, relates to, is caused by or results from an Occupational Illness or Injury that is covered by Workers' Compensation or similar law, or the Participants employment for wages or profit with another Employer;
5. his or her Disability arises out of, relates to, is caused by or results from a Disability due to elective or cosmetic surgery, unless determined to be medically necessary due to the Participant's injury or illness as determined by a Physician;
6. his or her Disability arises out of, relates to, is caused by or results from the Participant's loss of a professional license, occupational license or certification;
7. the Participant is incarcerated in any federal, state or municipal penal institution, jail, medical facility, hospital (public or private) or in any other place because of a criminal conviction under a federal, state or municipal law or ordinance;
8. the Participant is not under the regular and continuous care and treatment of a Physician, unless the Claims Administrator determines that such regular and continuous care and treatment are not medically indicated given the nature of the Disability; or
9. the period of Disability begins when the Employee is not a Participant in the Plan.

IV. DISABILITY BENEFITS

- A. Amount of Benefit Subject to reduction as hereinafter provided, and following the Elimination Period, the amount of weekly benefit for which a Participant is covered under the Plan will be based on his or her length of service in accordance with the following schedule.

Years of Service	Percentage of Benefit
6 months – 3 years	40%
4 years but less than 10	50%
10 years but less than 15	75%
15 or more	90%

For each day of any period of Disability for which benefits are payable and which is less than a full week, the amount of benefit payable will be 1/5th of the amount of the weekly benefit.

- B. Reductions to the Amount of Benefit The Disability benefit will be reduced by any of the following which are available to the Participant, or to the Participant's spouse or child(ren) if applicable, for the same period for which the Disability benefit is payable hereunder:
1. primary and dependent disability or retirement benefits under the Federal Social Security Act, the Railroad Retirement Act, the Canada Pension Plan, the Quebec Pension Plan, or any other similar plan or act providing benefits due to your Disability or any similar plan or act; provided, however, that any cost-of-living increases in such benefits, effective after the initial reduction in the Plan benefit, will not serve to further reduce the Plan benefit;
 2. benefits under any plan, fund or other arrangement, by whatever name called, providing disability benefits pursuant to any compulsory benefit act or law of any government;
 3. benefits under a state-mandated disability plan or a Company plan established in lieu thereof;
 4. disability or retirement benefits under any other Company-sponsored or Company-funded plan;
 5. any amounts received because of the Employee's disability under a franchise or group insurance policy or similar plan;
 6. any available sick time or accrued Time Off with Pay;
 7. any salary continuation payments; and
 8. any work loss provision in mandatory "No-Fault" automobile insurance.

If a Participant is or might be entitled to any of the above-itemized benefits, the full Plan benefit will be paid upon receipt by the Plan or Claims Administrator of (i) evidence that the Participant has applied for such benefits and (ii) an executed agreement to reimburse the Plan, up to the amount of payments made, immediately upon receipt of such benefits.

If a Participant fails to apply for any of the above-itemized benefits to which he or she might be entitled, the Plan benefit will be reduced by the amount of the benefit which the Participant would have received had application been made. Determination of the amount of such benefit will be made by the Plan or Claims Administrator.

C. Acts of Third Parties In the event that a Participant is injured through the acts or omissions of another person or organization, benefits under the Plan will be provided only on condition that the Participant agrees in writing to the following:

1. to reimburse the Plan, for the full amount of payments made under the terms of the Plan, immediately upon receipt of the proceeds of any settlement of, or judgment in, an action at law, arbitration, claim, or other proceeding to determine his or her rights of recovery arising out of his or her injury, net of his or her reasonable expenses in collecting such amount including reasonable attorney's fees, and net of any amounts which are allocated by terms of any judgment for the payment of unreimbursed medical expenses; he or she will execute and deliver instruments and papers and do whatever else is reasonably necessary to secure the rights of the Plan to reimbursement out of such proceeds, and he or she will do nothing to prejudice such rights;
2. to provide the Plan with a lien against payments to be made in the future under the Plan equal to the proceeds described above, less any amount paid to the Plan by way of reimbursement; and
3. to provide the Plan with a credit against payments to be made in the future under the Plan equal to the proceeds described above, less any amount paid to the Plan by way of reimbursement.

D. Commencement and Duration of Benefits Benefits will be payable as of the first day that a Participant becomes eligible to receive benefits and applies therefor. Thereafter, benefits will be payable until the earliest of the following:

1. the date following twenty-six (26) weeks of Disability in a 12-month period. The 26 weeks includes up to 25 weeks of benefit payments and the 7-day Elimination Period during which a Participant must use all available sick days prior to receiving Disability benefits. Participants may choose to use their accrued Time Off with Pay once their sick days have exhausted;
2. the date the Disability ceases to exist; or
3. the date of the Participant's death.

E. *Discontinuance and Resumption of Benefits* Benefits will be discontinued on the date, as determined by the Claims Administrator, that any of the following has occurred:

1. the Participant has refused to undergo a medical examination; failure by the Participant to undergo a scheduled medical examination following a written request by the Claims Administrator to do so will be considered a refusal;
2. the Participant has refused to provide information requested in writing by the Claims Administrator for the purpose of determining whether the Participant is entitled to benefits under the Plan; failure to furnish such information within thirty (30) days after such information has been requested will be considered a refusal;
3. the Participant has refused to follow or has rejected the treatment plan recommended by his or her Physician, unless the Participant disputes such treatment plan in good faith and on the advice of another Physician;
4. the Participant is no longer under the regular and continuous care and treatment of a Physician, unless such regular and continuous care and treatment are not medically indicated, given the nature of the Disability; or
5. the Participant has knowingly misstated or provided false information or materials to the Plan or Claims Administrator in order to receive benefits.

Benefits, which have been discontinued in accordance with the above, may resume if the reason for discontinuance ceases to apply. In no event, however, will benefits be paid for the period during which the Participant was not in compliance with the Plan unless the Claims Administrator determines that the Participant's failure to comply was due to reasonable cause.

F. *Suspension and Reinstatement of Benefits* Benefits will be suspended as of the date of any medical examination conducted pursuant to Section V.F. If the Claims Administrator, on the basis of the results of such examination, determines that eligibility for benefits continues, benefits will be reinstated as of the date of the medical examination.

V. PAYMENT OF BENEFITS

- A. Application for Benefits To be entitled to any benefits under the Plan, a Participant must comply with such procedures and requirements as the Claims Administrator may have prescribed with respect to the completion and filing of an application for such benefits and submission of evidence that the Participant is entitled to such benefits. The Claims Administrator may require information with respect to the Participant's age, address, marital status, dependents, employment record, medical history and evidence that the Participant has applied for any benefits which would serve to reduce benefits under this Plan.

The Claims Administrator may require any other information reasonably relevant to a determination of whether the Participant is eligible to receive benefits and may also require written authorization to obtain:

1. information from the Participant's Physician or Physicians with respect to his or her physical condition, diagnosis, prognosis, date of expected return to work and related matters;
2. relevant medical records on file in any hospital, Physician's or government office; and
3. such other records from any company having information reasonably relevant to a determination.

- B. Time Limit for Application for Benefits An application for benefits must be filed no later than thirty (30) days after the date benefits may become payable under the Plan unless it is not reasonably possible for the Participant or his or her representative to do so.

If the Participant or his or her representative fails to provide the information as required above, benefits will not be paid for the period during which the Participant was not in compliance with the Plan unless the Claims Administrator determines that the Participant's failure to comply was due to reasonable cause. However, in no event will an application be accepted by the Claims Administrator if such application or certificate is filed more than six (6) months after the date benefits may become payable.

- C. Claim Processing Upon receipt of the Participant's application, the Claims Administrator will make a determination as to the eligibility of the Participant for benefits. If the Claims Administrator determines that a Participant is not eligible for benefits, the Participant will be provided with written notification of the denial within forty-five (45) days after receipt of the application. The notice will be written in a style and manner calculated to be understood by the Participant. The notice of denial will set forth:

1. the specific reason or reasons for the denial;

2. specific references to pertinent Plan provisions on which the denial is based;
3. a description of any additional material or information necessary for the claimant to perfect the claim and an explanation as to why such material or information is necessary; and
4. an explanation of the Plan's claim review procedure.

D. Claim Review Procedure

First Level of Appeal Any Participant or the representative of a Participant whose claim has been denied will have the right to request a review of the decision made on his or her claim. Such request must:

1. be in writing and submitted to the Claims Administrator at the following address:

Quality Review Unit
Matrix Absence Management
P. O. Box 11035
San Jose, CA 95103
2. be filed within one hundred eighty (180) days after receipt of the written decision;
3. set forth all of the grounds upon which the request for review is based and any facts in support thereof; and
4. set forth any issues or comments, which the Participant deems pertinent to his or her claim.

The Participant or his or her representative may review documents pertinent to his or her claim.

Upon receipt of the request for review of the decision, the Claims Administrator will consider the written request and provide the Participant with a written decision within forty-five (45) days after receipt of the request for review. This review:

1. shall give no weight to the initial adverse benefit determination;
2. will be rendered *de novo*, with a review of the entire file, including any new materials and arguments submitted since the initial adverse benefit determination;
3. will be rendered by an appropriately named individual who neither made the adverse benefit determination that is the subject of the appeal, nor is the subordinate of that individual;

4. will be rendered in consultation with a Health Care Professional who has appropriate training and expertise in the field of medicine involved in the medical judgment, if the initial adverse benefit determination was made in consultation with a Health Care Professional and if the adverse benefit determination is based in whole or in part on a medical judgment; and
5. will be rendered with the consultation of a Health Care Professional who was not the individual consulted during the adverse benefit determination that is the subject of the appeal, nor the subordinate of that individual, if the initial adverse benefit determination was made in consultation with a Health Care Professional.

Should additional time be required in which to review the Participant's request, the Participant will be notified on or before the date the forty-five (45) day period expires. The extension notification sent to the Participant will indicate (i) the special circumstances requiring an extension, and (ii) the date and time by which the Claims Administrator expects to render a determination on review. In no event, however, will the written decision be issued more than ninety (90) days after the request for review is received.

Second Level of Appeal: Any Participant or the representative of a Participant whose appeal has been denied will have the right to request a review of the decision made on his or her claim. Such request must:

1. be in writing and submitted to the Claims Administrator at the following address:

Quality Review Unit
Matrix Absence Management
P. O. Box 11035
San Jose, CA 95103
2. be filed within one hundred eighty (180) days after receipt of the written decision;
3. set forth all of the grounds upon which the request for review is based and any facts in support thereof; and
4. set forth any issues or comments, which the Participant deems pertinent to his or her claim.

The Participant or his or her representative may review documents pertinent to his or her claim.

Upon receipt of the request for review of the decision, the Claims Administrator will consider the written request and provide the Participant with a written decision within forty-five (45) days after receipt of the request for review. This review:

1. shall give no weight to the initial adverse benefit determination;
2. will be rendered *de novo*, with a review of the entire file, including any new materials and arguments submitted since the initial adverse benefit determination;
3. will be rendered by an appropriately named individual who neither made the adverse benefit determination that is the subject of the appeal, nor is the subordinate of that individual;
4. will be rendered in consultation with a Health Care Professional who has appropriate training and expertise in the field of medicine involved in the medical judgment, if the initial adverse benefit determination was made in consultation with a Health Care Professional and if the adverse benefit determination is based in whole or in part on a medical judgment; and
5. will be rendered with the consultation of a Health Care Professional who was not the individual consulted during the adverse benefit determination that is the subject of the appeal, nor the subordinate of that individual, if the initial adverse benefit determination was made in consultation with a Health Care Professional.

Should additional time be required in which to review the Participant's request, the Participant will be notified on or before the date the forty-five (45) day period expires. The extension notification sent to the Participant will indicate (i) the special circumstances requiring an extension, and (ii) the date and time by which the Claims Administrator expects to render a determination on review. In no event, however, will the written decision be issued more than ninety (90) days after the request for review is received. The decision of the Claims Administrator on any benefit claim will be final and conclusive upon all persons.

E. Notification of Benefit Determination Upon Review If, on review, the Claims Administrator determines that a claimant is not eligible for benefits, the claimant will be notified in writing within the time frames set forth in Section VI. D. above. The notification will be written in a manner designed to be understood by the claimant and will set forth the following:

1. the specific reason or reasons for the denial;
2. specific references to pertinent Plan provisions on which the denial is based;
3. a statement that the claimant is entitled to receive, upon request, reasonable access to, and copies of, all documents, records, and other information relevant to the claim;

4. if applicable, the rule, guideline, protocol or similar criterion on which the denial was based (or a statement that a copy of such is available, on request); and
 5. if applicable, the identity of any medical or vocational expert(s) whose advice was obtained on behalf of the Plan in connection with the adverse benefit determination, whether or not the advice was relied upon in making the determination.
- F. Medical Examinations With the Company's approval, the Claims Administrator may require that a Participant applying for benefits submit to an examination by a Physician designated by the Claims Administrator, for his or her medical opinion as to whether the Participant is disabled so as to meet the eligibility requirements under the Plan for benefits. Re-examinations of a Participant receiving benefits may be directed by the Claims Administrator from time to time for the purpose of assisting the Claims Administrator in determining whether continued eligibility for such benefits exists. The fees of such Physician and the expenses of such examination will be paid by the Plan.
- G. Non-Alienation of Benefits To the extent permitted by law, no benefit payable at any time under the Plan will be assignable or transferable, or subject to any lien, in whole or in part, either directly or by operation of law or otherwise, including, but not limited to, execution, levy, garnishment, attachment, pledge, bankruptcy, or in any other manner. No benefit payable under the Plan will be liable for, or be subject to, any obligation or liability of any Participant.
- H. Payment to Representative In the event that a guardian, conservator, committee or other legal representative has been duly appointed for a Participant entitled to any payment under the Plan, any such payment due may be made to the legal representative making claim therefor. Any such payment so made will be in complete discharge of the liabilities of the Plan therefor, and the obligations of the Plan Administrator and the Company.
- I. Payment In the Event of Death In the event of the death of the Participant any payments due under this Plan as a result of the Participant's Disability will be made to his or her beneficiary as noted in the Participant's group life insurance policy or, if no such policy exists, to the Participant's spouse. If payments cannot be made under either of the above methods, payment will be made to the Participant's estate.

VI. PLAN FINANCING

- A. Participant Contributions Participants will not be required to make contributions to the Plan.
- B. Company Contributions Disability benefit payments and such other costs as are determined necessary to properly maintain and operate the Plan will be paid out of the Company's general assets.

VII. ADMINISTRATION AND RESPONSIBILITY

- A. Duties of the Plan Administrator The Plan Administrator will have, at its discretion, exclusive authority and responsibility for all matters in connection with the operation and administration of the Plan. Specifically, the Plan Administrator will:
1. be responsible for the compilation and maintenance of all records necessary in connection with the Plan;
 2. decide questions relating to the eligibility of Employees to become Participants;
 3. engage such legal, actuarial, accounting and other professional and clerical services as may be necessary or proper; and
 4. interpret this instrument and make and publish such uniform and non-discriminatory rules for administration of the Plan as are not inconsistent with the provisions of this instrument.
- B. Duties of the Claims Administrator The Plan Administrator has assigned a Claims Administrator, Matrix Absence Management, Inc., to provide certain administrative claims handling services. The Plan Administrator delegates to Matrix the discretionary authority to determine the validity of claims under the Plan. This delegation is subject to Plan Administrator's retention of full responsibility as a Plan Administrator for the final review of claims, and Plan Administrator has the discretionary authority to administer, construe and interpret the terms of the Plans and to make final, binding determinations concerning the availability of Plan benefits.
- C. Delegation of Duties The Plan Administrator may, from time to time, delegate any of the rights, powers, and duties of the Plan Administrator (including fiduciary responsibilities) with respect to the operation and administration of the Plan to one or more committees, individuals or entities. If the Plan Administrator delegates any rights, powers or duties to any person, such person may from time to time further delegate such rights, powers and duties to any other person. If any right, power or duty is delegated to more than one person, such persons may from time to time allocate among themselves any such right, power or duty. Any allocation or delegation of fiduciary responsibilities under the Plan will be terminable upon such notice as the Plan Administrator, in its sole discretion, deems reasonable and prudent.

- D. *Decisions and Rules* The decisions of the Plan Administrator made in good faith upon any matter within the scope of its authority will be final, but the Plan Administrator at all times in carrying out its decisions will act in a uniform and nondiscriminatory manner.
- E. *Fiduciary Duties* In performing its duties, the Plan Administrator will act solely in the interest of the Participants:
1. for the exclusive purpose of providing benefits to Participants and defraying reasonable expenses of administering the Plan;
 2. with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and
 3. in accordance with the documents and instruments governing the Plan, insofar as such documents and instruments are consistent with the provisions of the Plan.
- F. *Liability; Indemnification* The Plan Administrator will not be liable for any act, omission, determination, or construction made by itself or by its designated counsel, agents, or other employees, except for willful misconduct. Nothing herein, however, will be construed as purporting to relieve the Plan Administrator or any other fiduciary under the Plan, or any officer or director of the Company, or any agent thereof, from responsibility or liability for any responsibility, obligation, or duty imposed. The Company will indemnify and hold harmless any person to whom any fiduciary duty is delegated from and against any and all liabilities, claims, demands, costs and expenses (including attorneys' fees) arising out of an alleged breach in the performance of its fiduciary duties under the Plan, other than such liabilities, claims, demands, costs and expenses as may result from the gross negligence or willful misconduct of such person. The Company will have the right, but not the obligation, to conduct the defense of such person in any proceeding to which this Section applies.

VIII. MISCELLANEOUS

- A. *Permanence of the Plan* The Company intends to continue the Plan indefinitely, but will not be under any obligation or liability whatsoever to continue to maintain the Plan for any given length of time. The Company may, in its sole discretion, terminate the Plan any time without any liability whatsoever for such action. If the Plan is terminated, the termination will not affect the rights of any Participant to claim benefits with respect to a Disability incurred prior to such termination.
- B. *Right to Amend* The Company reserves the power and right, at any time or times to amend any or all of the provisions of the Plan to any extent and in any manner it will deem advisable.
- C. *Nonguarantee of Employment* The adoption and maintenance of the Plan will not be considered to be a contract between the Company and any Employee. Therefore, no provision of the Plan will give any Employee the right to be retained in the employ of the Company or to interfere with the right of the Company to discharge any Employee at any time irrespective of the effect such discharge may have upon an Employee as a Participant or prospective Participant under the Plan. In addition, no provision of the Plan will be considered to give the Company the right to require any Employee to remain in its employ, or to interfere with any Employee's right to terminate his or her employment at any time.
- D. *Titles* Titles are for reference only. In the event of a conflict between a title and the content of a Section, the content will control.

smainka@phamharrison.com

From: Petina Batchler <Petina.Batchler@matrixcos.com>
Sent: Wednesday, September 30, 2020 7:53 AM
To: Young, Mark W
Cc: QA_Team@matrixcos.com; Fuze, Joanr; Carina Rizo
Subject: 2020-04-27-0145-ASW-01 / Nathaniel King / Dallas-Fort Worth - New Appeal Received

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Good morning,

Matrix received a new appeal request for Mr. Nathaniel King on September 21, 2020. Based on your plan language the appeal decision due date is November 5, 2020.

Please note per your agreement with Matrix you will be charged \$370.00 for Matrix to review the appeal. This is outlined in the fee schedule agreement we have with you for our claim services.

The claim was denied by the Claims Team on June 18, 2020 effective April 27, 2020 due to medical information not supporting disability.

I am the appeals specialist assigned to your employee's appeal; if you have any questions please let me know. Thank you.

Best Regards,

Petina Batchler
Audit and Appeals Specialist



Phone: 877.315.9838 x 40226
Fax: 1.408.361.9068
Email: petina.batchler@matrixcos.com
Web: www.matrixcos.com

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smainka@phamharrison.com

From: Stevens, Barry C
Sent: Wednesday, September 30, 2020 11:57 AM
To: Young, Mark W
Subject: (FYSA) Risk Management Update

Team,

I know it has been a topic of conversation and controversy, but I wanted to fill you all in on the status of both NK and LT. I am going to give you a summary of both in order to not violate any policy or protected information. All I ask is that you please exercise discretion and keep this information to this group.

NK: Has requested a Reasonable Accommodation (RA) and Modified Duty (MD). Had a meeting with NK, Risk, HR and Matrix, where I outlined the required job description and noted the physician provided "scope of restrictions." It was noted that his restrictions did not allow for him to perform even the basic requirements of a CSO, per his physician's direction, without creating an undue hardship on his co-workers and a RA could place him in direct violation of his restrictions and, again force his co-workers to make up for his physical deficiency. It was already noted that he had exceeded the company allowed days for MD. It was stated, "...to support an ADA claim, a person must show that he or she can either perform the essential functions of the job *without assistance* or can perform those functions with some *reasonable accommodation*. An individual who cannot make this initial showing is not qualified for protection under the ADA. Additionally, accommodating your restrictions as provided to Matrix would create a hardship on the operation of the department. It's not required that we offer specifics as to our determination of a hardship."

His ADA RA has been denied. We are now simply working through the legal process.

LT: His request for MD was denied due again to the extensiveness of his restrictions. Risk, HR and ASD will be having a meeting on 10/16, after he has exhausted all time, to discuss the future. He doesn't have enough time to qualify for anything else.

I know that this is a tiring and frustrating process. However, it is what it is and we have to work the problem in coordination with HR, Risk and Legal.

I appreciate your patience. I will forward additional information as I know it.

v/r

Barry Stevens

Senior Security Manager
Airport Security Division, Department of Public Safety
Dallas Fort Worth International Airport
P.O. Box 610687
DFW Airport, TX 75261-9428

T (972) 973 4662
C (817) 805-5821
Bstevens@dfwairport.com

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smainka@phamharrison.com

From: Young, Carl W
Sent: Friday, September 11, 2020 5:32 PM
To: Young, Mark W
Subject: RE: Open DFW Positions

I will take a look next week. Do you have good phone number I can reach him at.

Carl Young

Senior HR Consultant
972-973-6389 (office)
214-960-9994 (mobile)

From: Young, Mark W <myoung@dfwairport.com>
Sent: Friday, September 11, 2020 5:27 PM
To: Young, Carl W <cyoung@dfwairport.com>
Subject: FW: Open DFW Positions

I'm going to forward this to you as I don't know how one goes about applying for non-posted positions unless they're on the double-secret list I don't have access to.

From the ADA standpoint, no accommodation was made for his Security position or any other.

Mark Young

Senior Risk Analyst / Risk Management
ADA Coordinator

W (972) 973.4600

Dallas/Fort Worth International Airport
P. O. Box 619428
DFW Airport, TX 75261-9428

E myoung@dfwairport.com

Risk Mgmt. 24/7 at 214-616-0576

www.dfwairport.com

From: Nathan <ray_sir_6@yahoo.com>
Sent: Friday, September 11, 2020 9:19 AM
To: Young, Mark W <myoung@dfwairport.com>
Subject: RE: Open DFW Positions

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Mark,

Kemp, Rosemarie W

From: Young, Carl W
Sent: Saturday, September 12, 2020 7:20 PM
To: 'Nathan'
Subject: RE: Open DFW Positions

Here is a listing of open jobs. Some of them may not be posted mainly because they are in the interview process. If the people that are being interviewed are not successful they may repost the job.

I will pass your resume along for the terminal experience manager.

Job Posting Title	Sal Plan	Grade	Job Opening ID	Division
Business Supplier Diversity Specialist	MPP	04	1005164	Administration & Diversity
Contract Administrator	MPP	04	1005183	Administration & Diversity
Senior Terminal Experience Manager	MPP	06	1005179	Customer Exper & Revenue Mgr
Terminal Experience Manager	MPP	05	1005185	Customer Exper & Revenue Mgr
Terminal Experience Manager	MPP	05	1005186	Customer Exper & Revenue Mgr
Terminal Experience Supervisor	STP	04	1005176	Customer Exper & Revenue Mgr
Administrative Assistant II	ASP	02	1005177	Customer Exper & Revenue Mgr
Parking Guest Contract Services Supervisor	STP	04	1005187	Customer Exper & Revenue Mgr
Integrated Operations Center (IOC) Systems Administrator	ITP	05	1005182	Finance & ITS
Lead Signs & Marking Technician	STP	04	1005172	Infrastructure and Developmen
Signs & Marking Technician	STP	03	1005171	Infrastructure and Developmen
Airfield Operations Agent	STP	03	1005180	Operations
Airfield Operations Agent	STP	03	1005181	Operations
Tactical Telecommunicator	STP	03	1005167	Operations
Tactical Telecommunicator	STP	03	1005188	Operations

Carl Young

Senior HR Consultant
 972-973-6389 (office)
 214-960-9994 (mobile)

From: Nathan <ray_sir_6@yahoo.com>
Sent: Saturday, September 12, 2020 3:18 PM
To: Young, Carl W <cyoung@dfwairport.com>
Subject: Open DFW Positions

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Carl Young,
 I would like to request the same information concerning all open positions at DFW. I requested reassignment under ADA when my accommodations for my current position were denied. I was told I

Posting Title	Status Date	Disposition
Administrative Assistant II	10/14/2015	010 Applied
Administrative Assistant II	10/20/2015	110 Reject
Occupancy Management Specialist	8/13/2015	010 Applied
Occupancy Management Specialist	9/4/2015	100 Hold
Occupancy Management Specialist	9/22/2015	110 Reject
Terminal Relations Coordinator	8/13/2015	010 Applied
Terminal Relations Coordinator	10/12/2015	100 Hold
Terminal Relations Coordinator	11/3/2015	110 Reject
Civilian Security Officer	8/26/2015	010 Applied
Civilian Security Officer	9/17/2015	110 Reject
Civilian Security Officer	11/15/2015	010 Applied
Civilian Security Officer	11/23/2015	110 Reject
Civilian Security Officer	11/24/2015	010 Applied
Civilian Security Officer	12/7/2015	020 Reviewed
Civilian Security Officer	12/8/2015	029 Phone Screened
Civilian Security Officer	2/5/2016	110 Reject
Administrative Assistant II	8/26/2015	010 Applied
Administrative Assistant II	10/21/2015	100 Hold
Administrative Assistant II	11/12/2015	110 Reject
Civilian Security Officer	1/21/2016	015 Linked
Civilian Security Officer	1/22/2016	063 Technical Interview
Civilian Security Officer	1/22/2016	071 Offer Accepted
Civilian Security Officer	1/22/2016	070 Offer
Civilian Security Officer	2/3/2016	080 Ready to Hire
Civilian Security Officer	2/5/2016	090 Hired
Access Control Trusted Agent	11/15/2015	010 Applied
Access Control Trusted Agent	11/24/2015	010 Applied
Access Control Trusted Agent	1/8/2016	100 Hold
Access Control Trusted Agent	1/19/2016	110 Reject
Parking Operations Communications Specialist	11/24/2015	010 Applied
Parking Operations Communications Specialist	12/7/2015	110 Reject
Security Shift Supervisor	2/17/2017	010 Applied
Security Shift Supervisor	3/10/2017	020 Reviewed
Security Shift Supervisor	3/14/2017	050 Route
Security Shift Supervisor	4/17/2017	110 Reject
Security Compliance Inspector	5/19/2017	050 Route
Security Compliance Inspector	5/19/2017	020 Reviewed
Security Compliance Inspector	5/19/2017	010 Applied
Security Compliance Inspector	6/6/2017	100 Hold
Security Compliance Inspector	6/20/2017	110 Reject
Security Shift Supervisor (Department Only)	6/14/2017	010 Applied
Security Shift Supervisor (Department Only)	7/27/2017	110 Reject
Assistant Security Services Manager	5/10/2019	010 Applied
Assistant Security Services Manager	5/14/2019	020 Reviewed

Assistant Security Services Manager	5/23/2019 100 Hold
Assistant Security Services Manager	5/30/2019 068 Assessment
Assistant Security Services Manager	6/27/2019 029 Phone Screened
Assistant Security Services Manager	7/15/2019 110 Reject
Terminal Experience Manager	1/10/2021 010 Applied
Terminal Experience Manager	1/11/2021 020 Reviewed
Terminal Experience Manager	1/13/2021 110 Reject
Terminal Experience Manager	2/21/2021 010 Applied
Terminal Experience Manager	2/23/2021 020 Reviewed
Terminal Experience Manager	2/24/2021 110 Reject
911 Telecommunicator	12/27/2020 010 Applied
911 Telecommunicator	12/31/2020 020 Reviewed
911 Telecommunicator	12/31/2020 110 Reject
911 Telecommunicator	2/21/2021 010 Applied
911 Telecommunicator	2/22/2021 110 Reject
911 Telecommunicator	2/22/2021 020 Reviewed
Business Supplier Diversity Specialist	1/17/2021 010 Applied
Business Supplier Diversity Specialist	1/20/2021 020 Reviewed
Business Supplier Diversity Specialist	1/26/2021 110 Reject
Risk Analyst (Safety)	1/10/2021 010 Applied
Risk Analyst (Safety)	1/12/2021 020 Reviewed
Risk Analyst (Safety)	1/13/2021 110 Reject
Airfield Operations Agent	12/27/2020 010 Applied
Airfield Operations Agent	12/27/2020 020 Reviewed
Airfield Operations Agent	12/27/2020 110 Reject
Access DFW Trusted Agent	12/27/2020 010 Applied
Access DFW Trusted Agent	12/27/2020 020 Reviewed
Access DFW Trusted Agent	1/13/2021 110 Reject
Executive Vice President of Operations	1/10/2021 010 Applied
Executive Vice President of Operations	1/11/2021 020 Reviewed
Executive Vice President of Operations	1/11/2021 110 Reject
Integrated Operations Center Specialist	1/17/2021 010 Applied
Integrated Operations Center Specialist	1/19/2021 020 Reviewed
Integrated Operations Center Specialist	2/4/2021 110 Reject
Instrument & Controls Technician	1/17/2021 010 Applied
Instrument & Controls Technician	1/20/2021 020 Reviewed
Instrument & Controls Technician	2/8/2021 110 Reject
Inventory Control Clerk	2/21/2021 010 Applied
Inventory Control Clerk	3/1/2021 020 Reviewed
Inventory Control Clerk	3/4/2021 110 Reject
Terminal Experience Supervisor	4/18/2021 010 Applied
Terminal Experience Supervisor	4/19/2021 020 Reviewed
Terminal Experience Supervisor	4/20/2021 110 Reject
Airfield Operations Agent	4/18/2021 010 Applied
Airfield Operations Agent	4/19/2021 020 Reviewed
Airfield Operations Agent	4/26/2021 110 Reject
Security Access Supervisor	4/18/2021 010 Applied

Security Access Supervisor	5/4/2021 010 Applied
Security Access Supervisor	5/4/2021 020 Reviewed
Security Access Supervisor	5/5/2021 110 Reject
Health & Wellness Coordinator	5/30/2021 010 Applied
Health & Wellness Coordinator	6/1/2021 020 Reviewed
Health & Wellness Coordinator	6/2/2021 110 Reject
Access DFW Trusted Agent	5/4/2021 010 Applied
Access DFW Trusted Agent	5/6/2021 020 Reviewed
Access DFW Trusted Agent	5/14/2021 110 Reject
Access DFW Trusted Agent	5/17/2021 010 Applied
Access DFW Trusted Agent	5/18/2021 020 Reviewed
Access DFW Trusted Agent	5/19/2021 110 Reject
Corporate Aviation Representative	5/4/2021 010 Applied
Corporate Aviation Representative	5/5/2021 020 Reviewed
Corporate Aviation Representative	5/17/2021 010 Applied
Corporate Aviation Representative	5/17/2021 110 Reject
Corporate Aviation Representative	5/19/2021 020 Reviewed
Corporate Aviation Representative	5/23/2021 110 Reject
Parking Guest Contract Services Supervisor	6/20/2021 010 Applied
Parking Guest Contract Services Supervisor	6/22/2021 020 Reviewed
Parking Guest Contract Services Supervisor	6/22/2021 110 Reject
Assistant Airfield Operations Officer	5/17/2021 010 Applied
Assistant Airfield Operations Officer	5/18/2021 020 Reviewed
Assistant Airfield Operations Officer	5/30/2021 010 Applied
Assistant Airfield Operations Officer	6/11/2021 020 Reviewed
Assistant Airfield Operations Officer	6/11/2021 110 Reject
Assistant Airfield Operations Officer	6/11/2021 110 Reject
Assistant Airfield Operations Officer	6/20/2021 010 Applied
Assistant Airfield Operations Officer	6/21/2021 020 Reviewed
Assistant Airfield Operations Officer	6/21/2021 110 Reject
Time & Attendance Specialist	6/3/2021 010 Applied
Time & Attendance Specialist	6/8/2021 110 Reject
Parking Operations Communications Specialist	5/30/2021 010 Applied
Parking Operations Communications Specialist	6/2/2021 020 Reviewed
Parking Operations Communications Specialist	6/3/2021 110 Reject
Airfield Operations Officer	6/3/2021 010 Applied
Airfield Operations Officer	6/11/2021 020 Reviewed
Airfield Operations Officer	6/22/2021 110 Reject
Ground Transportation Administrative Specialist	6/3/2021 010 Applied
Ground Transportation Administrative Specialist	6/3/2021 020 Reviewed
Ground Transportation Administrative Specialist	6/3/2021 110 Reject
Ground Transportation Administrative Specialist	6/12/2021 010 Applied
Ground Transportation Administrative Specialist	6/24/2021 020 Reviewed
Ground Transportation Administrative Specialist	7/6/2021 110 Reject
Police Records Management Coordinator	6/12/2021 010 Applied
Police Records Management Coordinator	6/20/2021 010 Applied
Police Records Management Coordinator	6/23/2021 110 Reject

Police Records Management Coordinator	6/24/2021 020 Reviewed
Police Records Management Coordinator	7/5/2021 110 Reject
Talent Acquisition Sourcing Specialist	6/12/2021 010 Applied
Talent Acquisition Sourcing Specialist	6/14/2021 020 Reviewed
Talent Acquisition Sourcing Specialist	6/15/2021 110 Reject
Security Officer	9/24/2022 010 Applied
Security Officer	10/19/2022 110 Reject
Security Officer	10/31/2022 010 Applied
Security Officer	11/10/2022 110 Reject
Police Records Management Coordinator	10/31/2022 010 Applied
Police Records Management Coordinator	11/10/2022 110 Reject
Police Records Management Coordinator	11/10/2022 110 Reject
Security Training Supervisor	10/31/2022 010 Applied
Security Training Supervisor	11/10/2022 110 Reject

Reject Reason	Hired Applicant	Hired Name
	212112	Phillips,Sherry Lynn
Not the Best Suited	212112	Phillips,Sherry Lynn
	43106	Nanga,Masikini E
	43106	Nanga,Masikini E
Not the Best Suited	43106	Nanga,Masikini E
	252759	Meloy,Kristin Marie
	252759	Meloy,Kristin Marie
Not the Best Suited	252759	Meloy,Kristin Marie
	285731	Figueroa,Carlos R.
Not the Best Suited	285731	Figueroa,Carlos R.
	285731	Figueroa,Carlos R.
Not the Best Suited	285731	Figueroa,Carlos R.
	285731	Figueroa,Carlos R.
	285731	Figueroa,Carlos R.
	285731	Figueroa,Carlos R.
Selected for Other Position	285731	Figueroa,Carlos R.
	287436	Cangolosi,Karen
	287436	Cangolosi,Karen
Not the Best Suited	287436	Cangolosi,Karen
	285623	King,Nathan R.
	285623	King,Nathan R.
	285623	King,Nathan R.
	285623	King,Nathan R.
	285623	King,Nathan R.
	285623	King,Nathan R.
	42044	Zabojnik III,Jerome C
	42044	Zabojnik III,Jerome C
	42044	Zabojnik III,Jerome C
Not the Best Suited	42044	Zabojnik III,Jerome C
	289872	Pineda,Jonas
Not the Best Suited	289872	Pineda,Jonas
	304055	Hardin,Kiamesha P
	304055	Hardin,Kiamesha P
	304055	Hardin,Kiamesha P
Rejected after Phone Screen	304055	Hardin,Kiamesha P
	22482	Wilson,Scottie L
	22482	Wilson,Scottie L
	22482	Wilson,Scottie L
	22482	Wilson,Scottie L
Not the Best Suited	22482	Wilson,Scottie L
	306019	Boston,Chris W
Rejected after Phone Screen	306019	Boston,Chris W
	349116	Thompson,Rodney W.
	349116	Thompson,Rodney W.

	349116 Thompson,Rodney W.
	349116 Thompson,Rodney W.
	349116 Thompson,Rodney W.
Not the Best Suited	349116 Thompson,Rodney W.
	359516 Klausner,Kyle L.
	359516 Klausner,Kyle L.
Not the Best Suited	359516 Klausner,Kyle L.
	359516 Klausner,Kyle L.
	359516 Klausner,Kyle L.
Not the Best Suited	359516 Klausner,Kyle L.
	0
	0
Did Not Meet Min Requirements	0
	0
Duplicate Resume	0
	0
	363823 Schwartz,Angela Maria
	363823 Schwartz,Angela Maria
Not the Best Suited	363823 Schwartz,Angela Maria
	363298 Ford,Meghan Desiree
	363298 Ford,Meghan Desiree
Not the Best Suited	363298 Ford,Meghan Desiree
	364103 Santhanam,Alexis
	364103 Santhanam,Alexis
Not the Best Suited	364103 Santhanam,Alexis
	295131 Birmingham,Michael J
	295131 Birmingham,Michael J
Not the Best Suited	295131 Birmingham,Michael J
	365022 McLaughlin,Christopher
	365022 McLaughlin,Christopher
Did Not Meet Min Requirements	365022 McLaughlin,Christopher
	259764 Melchor,Christopher
	259764 Melchor,Christopher
Not the Best Suited	259764 Melchor,Christopher
	364894 Blackwell,Blake
	364894 Blackwell,Blake
Not the Best Suited	364894 Blackwell,Blake
	365672 Ott III,Charles Edward
	365672 Ott III,Charles Edward
Not the Best Suited	365672 Ott III,Charles Edward
	350267 Lin,Ting Wei
	350267 Lin,Ting Wei
Not the Best Suited	350267 Lin,Ting Wei
	366989 Flatt,Sarah Elisabeth
	366989 Flatt,Sarah Elisabeth
Not the Best Suited	366989 Flatt,Sarah Elisabeth
	322972 Barker,Melissa J

	322972 Barker,Melissa J
	322972 Barker,Melissa J
Did Not Meet Min Requirements	322972 Barker,Melissa J
	353913 Smith,Shalesa M
	353913 Smith,Shalesa M
Not the Best Suited	353913 Smith,Shalesa M
	242799 Escobar Diaz,Vanessa Maribel
	242799 Escobar Diaz,Vanessa Maribel
Did Not Meet Min Requirements	242799 Escobar Diaz,Vanessa Maribel
	242799 Escobar Diaz,Vanessa Maribel
	242799 Escobar Diaz,Vanessa Maribel
Did Not Meet Min Requirements	242799 Escobar Diaz,Vanessa Maribel
	364136 Courson,Daniel Howard
	364136 Courson,Daniel Howard
	364136 Courson,Daniel Howard
Not the Best Suited	364136 Courson,Daniel Howard
	364136 Courson,Daniel Howard
Not the Best Suited	364136 Courson,Daniel Howard
	362168 Al Yassen,Haider Balasm
	362168 Al Yassen,Haider Balasm
Not the Best Suited	362168 Al Yassen,Haider Balasm
	371309 Keller,Thomas N
	371309 Keller,Thomas N
	371309 Keller,Thomas N
	371309 Keller,Thomas N
Duplicate Resume	371309 Keller,Thomas N
Did Not Meet Min Requirements	371309 Keller,Thomas N
	371309 Keller,Thomas N
	371309 Keller,Thomas N
Duplicate Resume	371309 Keller,Thomas N
	263235 Ford,Darsherika L
Not the Best Suited	263235 Ford,Darsherika L
	359483 Escalante,Ada A
	359483 Escalante,Ada A
Applicant Withdrew	359483 Escalante,Ada A
	360938 Legarreta,Sidney F
	360938 Legarreta,Sidney F
Did Not Meet Min Requirements	360938 Legarreta,Sidney F
	288352 Stewart,Candace L
	288352 Stewart,Candace L
Not the Best Suited	288352 Stewart,Candace L
	288352 Stewart,Candace L
	288352 Stewart,Candace L
Not the Best Suited	288352 Stewart,Candace L
	252494 White,Claudia Teresa
	252494 White,Claudia Teresa
Duplicate Resume	252494 White,Claudia Teresa

	252494 White,Claudia Teresa
Not the Best Suited	252494 White,Claudia Teresa
	352227 Palmay,John Charles
	352227 Palmay,John Charles
Not the Best Suited	352227 Palmay,John Charles
	0
	0
	0
	0
	0
Duplicate Resume	0
	0
	298256 Falcon II,Gregory G
	298256 Falcon II,Gregory G

Job ID	Posting Title	Opened Date	Close Date
1005108	Tactical Telecommunicator	3/23/2020	9/23/2020
1005120	Experienced Police Officer/Police Recruit	4/10/2020	9/11/2020
1005139	IOC Bridge Manager	5/26/2020	10/14/2020
1005163	Business Development Manager (Department Only)	6/11/2020	9/3/2020
1005164	Business Supplier Diversity Specialist	6/11/2020	11/5/2020
1005168	Waste/Recycling Technician	7/21/2020	11/5/2020
1005171	Signs & Marking Technician	7/16/2020	9/23/2020
1005172	Lead Signs & Marking Technician	7/29/2020	9/29/2020
1005176	Terminal Experience Supervisor	7/22/2020	10/13/2020
1005177	Administrative Assistant II	6/23/2020	9/29/2020
1005178	Vice President of Operations	8/11/2020	11/18/2020
1005180	Airfield Operations Agent	8/14/2020	11/18/2020
1005182	Integrated Operations Center (IOC) Systems Administrator	8/10/2020	12/2/2020
1005183	Contract Administrator	7/25/2020	10/27/2020
1005186	Terminal Experience Manager	8/24/2020	12/2/2020
1005187	Parking Guest Contract Services Supervisor	8/25/2020	10/13/2020
1005188	911 Telecommunicator	9/2/2020	12/1/2022
1005191	Airfield Operations Officer (Department Only)	9/9/2020	10/13/2020
1005192	Pavement Maintenance Worker III	9/11/2020	11/18/2020
1005194	Pavement Maintenance Worker III	9/11/2020	2/10/2021
1005196	Fire Instructor Specialist (Department Only)	9/14/2020	10/28/2020
1005199	Operations Technical Training Manager	9/9/2020	11/10/2020
1005200	Fire Inspector Specialist (Department Only)	9/15/2020	10/28/2020
1005203	Fire Investigator Specialist (Department Only)	9/12/2020	1/5/2021
1005205	Business Supplier Diversity Specialist	9/14/2020	3/11/2021
1005207	Materials & Warehouse Manager	9/15/2020	11/10/2020
1005208	Police Records Management Coordinator	9/10/2020	1/27/2021
1005209	Guest Liaison	9/17/2020	11/5/2020
1005210	Guest Operations Shift Supervisor (Department Only)	9/17/2020	11/25/2020
1005211	Treasury Analyst	9/22/2020	12/2/2020
1005212	Assistant Airfield Operations Officer (Department Only)	9/26/2020	11/10/2020
1005213	Corporate Aviation Concierge	9/24/2020	12/2/2020
1005214	Customer Experience Contract Services Manager	9/22/2020	12/30/2020
1005215	Risk Analyst (Safety)	10/1/2020	2/24/2021
1005216	Emergency Management Administrator	9/29/2020	4/2/2021
1005217	Signs & Marking Technician	9/14/2020	1/27/2021
1005220	Lead Electronics Technician	9/21/2020	11/30/2020
1005221	Electronics Technician	9/21/2020	12/8/2020
1005222	Pavement Maintenance Worker III	10/7/2020	12/30/2020
1005223	Lead Automotive Technician (Department Only)	10/8/2020	11/16/2020
1005224	AVP Commercial Development	10/20/2020	2/2/2021
1005225	Police Lieutenant (Department Only)	10/19/2020	12/28/2020
1005226	Sr Contract Administrator	10/21/2020	3/11/2021
1005227	Assistant Vice President of Facilities & Systems	10/28/2020	7/7/2021
1005229	Heavy Equipment Automotive Technician	10/15/2020	12/30/2020

1005230 Terminal Experience Supervisor	11/5/2020	3/2/2021
1005231 Warehouse Lead	11/12/2020	2/2/2021
1005232 Civilian Security Officer	11/19/2020	2/9/2022
1005242 Sr Talent & Organizational Development Manager	11/24/2020	6/2/2021
1005244 Airfield Operations Agent	11/19/2020	2/24/2021
1005249 Access DFW Trusted Agent	12/9/2020	3/2/2021
1005251 Sr IT Network Manager	12/2/2020	8/10/2021
1005252 Parking Guest Contract Services Manager (Department Only)	12/2/2020	1/26/2021
1005253 Grounds Maintenance Worker II	12/8/2020	2/10/2021
1005254 Grounds Crew Leader II	12/8/2020	2/3/2021
1005259 Integrated Operations Center Supervisor	12/11/2020	3/18/2021
1005260 Integrated Operations Center Specialist	12/11/2020	4/7/2021

Closed/Cancelled	Hiring Manager
110 Filled/Closed	Amanda Eads
110 Filled/Closed	Caren Catchings
110 Filled/Closed	Robert Hightower
110 Filled/Closed	Tamela Burks Lee
110 Filled/Closed	Suzanne Cruz-Sewell
110 Filled/Closed	Phillip Widmer
110 Filled/Closed	Steven Webb
110 Filled/Closed	Steven Webb
110 Filled/Closed	Jim Espinoza
110 Filled/Closed	Donald Hobbs
110 Filled/Closed	Chad Makovsky
110 Filled/Closed	Brenda Weber
110 Filled/Closed	Larry Wells
110 Filled/Closed	Debbie Daniels
110 Filled/Closed	Jim Espinoza
110 Filled/Closed	Kristi Irwin
120 Canceled	Tanisha Harden
110 Filled/Closed	Brenda Weber
110 Filled/Closed	Dennis Baldwin
110 Filled/Closed	Dennis Baldwin
110 Filled/Closed	John Barzyk
110 Filled/Closed	Steven Tobey
110 Filled/Closed	Jameson Lewis
110 Filled/Closed	Alfonso Salazar
110 Filled/Closed	Tamela Burks Lee
110 Filled/Closed	Joanne Baca Garcia
110 Filled/Closed	James McDuff
110 Filled/Closed	Lee Sloan
110 Filled/Closed	Robert Petersen
110 Filled/Closed	James Mauldin
110 Filled/Closed	Tyler Prufer
110 Filled/Closed	Stephen Courtois
110 Filled/Closed	Coleman Patton
110 Filled/Closed	Sandra Fontenot
110 Filled/Closed	Alan Black
110 Filled/Closed	Steven Webb
110 Filled/Closed	Oscar Barillas
110 Filled/Closed	Oscar Barillas
110 Filled/Closed	Dennis Baldwin
110 Filled/Closed	Robert White
110 Filled/Closed	John Brookby
110 Filled/Closed	Jon Taylor
110 Filled/Closed	Sonji Brown-Killyon
110 Filled/Closed	Tammy Huddleston
110 Filled/Closed	James Feagley

110 Filled/Closed	Shahla Pillai
110 Filled/Closed	Jeffery Crowley
110 Filled/Closed	Chris Boston
110 Filled/Closed	Alberto Galue
110 Filled/Closed	Patrick Jackman
110 Filled/Closed	Josefina Quinones
110 Filled/Closed	Ali Nemati
110 Filled/Closed	Allen Corry
110 Filled/Closed	Robert Lowry
110 Filled/Closed	Robert Lowry
120 Canceled	Jerry Crimiel
110 Filled/Closed	Julia Schrecke

DFW_HRIS_NATHAN_KING		152		
Name	Applicant ID	Job Opening	JO Status	
King,Nathan R.	285623	1003040	110 Filled/Closed	
King,Nathan R.	285623	1003040	110 Filled/Closed	
King,Nathan R.	285623	1003052	110 Filled/Closed	
King,Nathan R.	285623	1003052	110 Filled/Closed	
King,Nathan R.	285623	1003052	110 Filled/Closed	
King,Nathan R.	285623	1003056	110 Filled/Closed	
King,Nathan R.	285623	1003056	110 Filled/Closed	
King,Nathan R.	285623	1003056	110 Filled/Closed	
King,Nathan R.	285623	1003062	110 Filled/Closed	
King,Nathan R.	285623	1003062	110 Filled/Closed	
King,Nathan R.	285623	1003062	110 Filled/Closed	
King,Nathan R.	285623	1003062	110 Filled/Closed	
King,Nathan R.	285623	1003062	110 Filled/Closed	
King,Nathan R.	285623	1003062	110 Filled/Closed	
King,Nathan R.	285623	1003062	110 Filled/Closed	
King,Nathan R.	285623	1003062	110 Filled/Closed	
King,Nathan R.	285623	1003075	110 Filled/Closed	
King,Nathan R.	285623	1003075	110 Filled/Closed	
King,Nathan R.	285623	1003075	110 Filled/Closed	
King,Nathan R.	285623	1003111	110 Filled/Closed	
King,Nathan R.	285623	1003111	110 Filled/Closed	
King,Nathan R.	285623	1003111	110 Filled/Closed	
King,Nathan R.	285623	1003111	110 Filled/Closed	
King,Nathan R.	285623	1003111	110 Filled/Closed	
King,Nathan R.	285623	1003111	110 Filled/Closed	
King,Nathan R.	285623	1003157	110 Filled/Closed	
King,Nathan R.	285623	1003157	110 Filled/Closed	
King,Nathan R.	285623	1003157	110 Filled/Closed	
King,Nathan R.	285623	1003157	110 Filled/Closed	
King,Nathan R.	285623	1003166	110 Filled/Closed	
King,Nathan R.	285623	1003166	110 Filled/Closed	
King,Nathaniel R	293814	1003537	110 Filled/Closed	
King,Nathaniel R	293814	1003537	110 Filled/Closed	
King,Nathaniel R	293814	1003537	110 Filled/Closed	
King,Nathaniel R	293814	1003537	110 Filled/Closed	
King,Nathaniel R	293814	1003882	110 Filled/Closed	
King,Nathaniel R	293814	1003882	110 Filled/Closed	
King,Nathaniel R	293814	1003882	110 Filled/Closed	
King,Nathaniel R	293814	1003882	110 Filled/Closed	
King,Nathaniel R	293814	1003882	110 Filled/Closed	
King,Nathaniel R	293814	1003908	110 Filled/Closed	
King,Nathaniel R	293814	1003908	110 Filled/Closed	
King,Nathaniel R	293814	1004728	110 Filled/Closed	
King,Nathaniel R	293814	1004728	110 Filled/Closed	

King,Nathaniel R	293814	1004728 110 Filled/Closed
King,Nathaniel R	293814	1004728 110 Filled/Closed
King,Nathaniel R	293814	1004728 110 Filled/Closed
King,Nathaniel R	293814	1004728 110 Filled/Closed
King,Nathan R.	285623	1005185 110 Filled/Closed
King,Nathan R.	285623	1005185 110 Filled/Closed
King,Nathan R.	285623	1005185 110 Filled/Closed
King,Nathan R.	285623	1005185 110 Filled/Closed
King,Nathan R.	285623	1005185 110 Filled/Closed
King,Nathan R.	285623	1005185 110 Filled/Closed
King,Nathan R.	285623	1005188 120 Canceled
King,Nathan R.	285623	1005188 120 Canceled
King,Nathan R.	285623	1005188 120 Canceled
King,Nathan R.	285623	1005188 120 Canceled
King,Nathan R.	285623	1005188 120 Canceled
King,Nathan R.	285623	1005188 120 Canceled
King,Nathan R.	285623	1005205 110 Filled/Closed
King,Nathan R.	285623	1005205 110 Filled/Closed
King,Nathan R.	285623	1005205 110 Filled/Closed
King,Nathan R.	285623	1005215 110 Filled/Closed
King,Nathan R.	285623	1005215 110 Filled/Closed
King,Nathan R.	285623	1005215 110 Filled/Closed
King,Nathan R.	285623	1005215 110 Filled/Closed
King,Nathan R.	285623	1005244 110 Filled/Closed
King,Nathan R.	285623	1005244 110 Filled/Closed
King,Nathan R.	285623	1005244 110 Filled/Closed
King,Nathan R.	285623	1005249 110 Filled/Closed
King,Nathan R.	285623	1005249 110 Filled/Closed
King,Nathan R.	285623	1005249 110 Filled/Closed
King,Nathan R.	285623	1005258 110 Filled/Closed
King,Nathan R.	285623	1005258 110 Filled/Closed
King,Nathan R.	285623	1005258 110 Filled/Closed
King,Nathan R.	285623	1005260 110 Filled/Closed
King,Nathan R.	285623	1005260 110 Filled/Closed
King,Nathan R.	285623	1005260 110 Filled/Closed
King,Nathan R.	285623	1005267 110 Filled/Closed
King,Nathan R.	285623	1005267 110 Filled/Closed
King,Nathan R.	285623	1005267 110 Filled/Closed
King,Nathan R.	285623	1005284 110 Filled/Closed
King,Nathan R.	285623	1005284 110 Filled/Closed
King,Nathan R.	285623	1005284 110 Filled/Closed
King,Nathan R.	285623	1005326 110 Filled/Closed
King,Nathan R.	285623	1005326 110 Filled/Closed
King,Nathan R.	285623	1005326 110 Filled/Closed
King,Nathan R.	285623	1005331 110 Filled/Closed
King,Nathan R.	285623	1005331 110 Filled/Closed
King,Nathan R.	285623	1005331 110 Filled/Closed
King,Nathan R.	285623	1005333 110 Filled/Closed

[illegible]

King,Nathan R.	285623	1005467 110 Filled/Closed
King,Nathan R.	285623	1005467 110 Filled/Closed
King,Nathan R.	285623	1005478 110 Filled/Closed
King,Nathan R.	285623	1005478 110 Filled/Closed
King,Nathan R.	285623	1005478 110 Filled/Closed
King,Nathan R.	285623	1006539 010 Open
King,Nathan R.	285623	1006539 010 Open
King,Nathan R.	285623	1006539 010 Open
King,Nathan R.	285623	1006539 010 Open
King,Nathan R.	285623	1006646 010 Open
King,Nathan R.	285623	1006646 010 Open
King,Nathan R.	285623	1006646 010 Open
King,Nathan R.	285623	1006669 110 Filled/Closed
King,Nathan R.	285623	1006669 110 Filled/Closed



Gmail

Sent: Thursday, November 10, 2022 at 11:14 AM
From: "Bailey, Derrick" <dbailey@dfwairport.com>
To: "n.r.king@mail.com" <n.r.king@mail.com>
Subject: DFW Airport - Eligibility Status

Good Morning Nathan,

I see that you have applied for a few positions. I wanted to make you aware that at this time, you are not eligible to be rehired at the airport. We certainly appreciate your interest.

Kindly,

Derrick Bailey

Talent Acquisition Specialist
Human Resources Department

Department of Public Safety Headquarter Dallas Fort Worth International Airport

EXHIBIT N

63

Plaintiff Bates 012

P.O. Box 519428

3600 South 20th Avenue

2400 Aviation Drive

DFW Airport, TX 75261-9428

WE'RE HIRING!

Office (972) 973-3313

[DFW International Airport | Official Website \(dfwairport.com\)](https://dfwairport.com)

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PEER REVIEW- for Appeal**Appeal**

Claimant Name: Nathaniel King
 Claim Number: 2020-04-27-0145-ASW-01
 Date of Birth: 05/01/1977
 Date of Disability: 04/27/2020
 Occupation: Civilian Security Officer
 Page count: 168

DX: Low Back Pain

This Peer Review to be reviewed by: Orthopedic

Upon your review of all Clinical records please answer the following questions; please review for the dates of 04/27/2020 through present.

Please identify all diagnoses which are referenced in clinical records, in descending order beginning with Primary Diagnoses.

Please identify all treating providers and their credentials, along with their professional area of focus and include the following:

- List all treatments (including: office visits, diagnostic evaluations and medications) for those conditions.
- Describe any deficits (physical or psychological) related to those conditions identified in the medical/clinical records and in conjunction with your discussion with the treating provider(s) (if applicable);
 1. Do the clinical records support the deficits noted? (physical or cognitive functional deficits);
 2. Please discuss either way and include your clinical rationale for duration.
 3. Does the available information support a condition that would prevent the 04/27/2020 through present? If so, for how long?

Do any of the prescribed medications noted in the medical records either on an individual basis or on altogether basis impact functional capabilities that would affect work ability. Please consider any medication changes noted in the medical records for the period of 04/27/2020 through present.

Attending Physician contacts List: Note min of 3 attempts to contact is required.

<u>Name</u>	<u>Phone</u>	<u>Specialty</u>	<u>State</u>
Dr. Kelly Derrick	817-730-0000	PCP	TX



Date: 10/20/2020
To: Petina Batchler
Matrix Absence Management
Re: RRS ID: 56232

Claimant: Nathaniel King
Claim #: 2020-04-27-0145-ASW-01
Line of Business: Disability
Review Type: STD
Review Level: Appeal
Advisory Report

Clinical History

This review is from an orthopedic perspective. The claimant is a 43 year old male with a reported diagnosis of low back pain. The claimant is employed as a Civilian Security Office. The job description reviewed indicates that the claimant must sit for extended periods of time, walk for extended periods of time, use keyboard devices and computer monitor, and be able to drive and to climb into and out of vehicles for searches. The date of disability was reported to be 04/27/2020. The time period under review is from 04/27/2020 through present.

There are multiple notes for stress management counseling, which are outside the scope of this review.

There are multiple records and messages from the VA hospital, which are difficult to follow. An Account Summary list dates and time of visits and cancelled visits.

A telephone message request indicated the claimant needed a letter stating that office visits have been canceled due to Covid-19 precautions. It was noted that the claimant's short-term disability was denied because he is not undergoing treatment and he is considered on an unauthorized absence. This was followed by multiple messages requesting specific description of impairment/disability and time off work.

On 12/06/2019, a Pain Management note by Dr. Matthew Bourneuf/ Dr. Nenna Nwazota (Attending Anesthesiologist) noted the claimant presented for a planned procedure of bilateral L4-5 transforaminal epidural steroid injections.

On 01/02/2020, Herndon Richardson PA-C (Pain Management) noted the claimant was seen for follow-up of low back pain with right lower extremity pain. Most recently the claimant had bilateral L4-5 transforaminal ESI's with continued significant pain. The examination showed pain with full extension of the lumbar spine with tenderness to palpation of the left lumbar spine. There was bilateral sacroiliac

Claimant Name: Nathaniel King

RRS ID: 56232



Reliable Review Services

joint tenderness. Slight weakness right foot dorsiflexion. The claimant was diagnosed with chronic low back pain and right lower extremity pain secondary to degenerative disc disease and degenerative facet disease. The provider suggest a trial of bilateral L3-S1 medial branch nerve blocks.

On 01/10/2020, office visit notes by Dr. Kelly Derrick (Family Medicine) noted the claimant presented for a routine visit for chronic care management. The claimant was requesting to have forms completed for his employer for work place accommodations for limitations due to chronic low back, joint, and foot pain.

On 01/17/2020, office notes by Dr. Jim Sheng/Dr. Amr Hegazi stated the claimant presented for a planned procedure, bilateral L3-S1 medial branch nerve blocks.

On 03/04/2020, Luis Ortiz, RN (Pain Management)/Dr. Amr Hegazi (Anesthesiologist) noted the claimant had prior procedures including: bilateral lumbar L3, 4, 5 and S1 medial branch blocks on 01/17/2020, and lumbar ESI on 12/06/2019. The provider noted the claimant called the clinic to schedule a procedure.

On 03/18/2020, office notes by Dr. Kelly Derrick noted the claimant was being seen for chronic care. The provider noted the claimant is being treated in pain management. The physical exam showed no recorded abnormalities. The claimant's problems included hyperlipidemia, knee pain, chest pain, migraines, right hip pain, burns, low back pain, flat feet, bursitis, depression/PTSD, and cough. Treatment for the back and hip pain continued with medications.

On 05/12/2020, a Health Care Provider Medical Certification form by Dr. Kelly Derrick noted the claimant was being treated for low back pain. The provider indicated the claimant has had cortisone injections, massage therapy, medications, as well as physical therapy. The claimant continues to have antalgic gait with restricted range of motion of the lumbosacral spine. The claimant has chronic pain sitting or standing and pain which limits all movement of the lumbar spine. The provider noted the claimant was unable to work as of 04/27/2020. The anticipated returned to work date was 06/01/2020.

On 06/05/2020, a Work Status Note by Dr. Kelly Derrick stated the claimant was able to work with modifications beginning 06/01/2020. Diagnoses included spinal stenosis lumbar region, chronic low back pain, lumbar radiculopathy, pes planus, gait abnormality, and right hip pain. Restrictions included unable to stand for greater than 20 minutes per hour. No repetitive bending, squatting or stooping. No walking greater than 1 mile per work day. No driving greater than 2 hours per work day. Prognosis was uncertain.

On 06/05/2020, a letter by Dr. Kelly Derrick stated the claimant has multiple medical conditions and it was noted that treatments have been rescheduled or canceled due to current Covid-19 precautions.

On 07/02/2020, Dr. Joseph Hamati (Pain Management) noted the claimant stated that the bilateral L3-S1 medial branch nerve block in 01/2020 was only mildly affected for two days, but the chronic low back pain returned. It was noted that an MRI scan of the lumbar spine has shown a broad-based disc protrusion at L3-4 with degenerative changes also at L4-5 and L5-S1 with no central canal stenosis and

Claimant Name: Nathaniel King

RRS ID: 56232



only minimal left neural foraminal stenosis. The provider planned to repeat bilateral L3-S1 medial branch nerve blocks.

On 09/21/2020, there are emergency room records regarding an evaluation for left fourth toe pain. The claimant reported he accidentally kicked a table leg.

There are illegibly copied notes apparently indicating that the claimant's place of employment cannot accommodate work restrictions.

Provider Contact Log

Date/time of call	Spoke to	Outcome/message
10/12/2020 3:00 PM CDT	Voicemail	I called the office of Dr. Kelly Derrick and my call was answered by an automated system stating that I have called "outside of normal business hours", despite the fact that I was calling at 3:00 PM central time. I was then given an option to leave a message. I left a voicemail message on an unnamed office voicemail requesting a return phone call from the provider regarding the claimant's disability status/work restrictions/limitations. My contact information was provided.
10/13/2020 11:01 AM CDT	Receptionist, Nina	I called the office of Dr. Kelly Derrick and my call was answered by an automated system stating that all agents were busy. The message stated that I was caller number 11 and estimated wait time was 5 minutes. I was on hold for multiple minutes. I was then able to speak with the Receptionist, Nina. She took my information and stated that she would send the message on to the provider. I requested a return phone call regarding the claimant's disability status/work restrictions/limitations. My contact information was provided.
10/15/2020 10:17 AM CDT	Receptionist, Charmaine	I called the office of Dr. Kelly Derrick at the phone number provided. This time the call was answered by the receptionist, Charmaine. She stated the provider was busy. I left a detailed message requesting a return phone call from the provider regarding the claimant's disability status/work restrictions/limitations. My contact information was provided.

Questions and Reviewer's Response

Claimant Name: Nathaniel King

RRS ID: 56232



Reliable Review Services

1. Upon your review of all Clinical records please answer the following questions; please review for the dates of 04/27/2020 through present.

Please identify all diagnoses which are referenced in clinical records, in descending order beginning with Primary Diagnoses.

According to the submitted notes and from an orthopedic perspective only, the claimant has chronic low back pain as a result of the following diagnoses:

Degenerative disc disease lumbar spine.

Lumbar spondylosis.

Lumbar radiculopathy.

There are some added diagnoses related to pes planus, bursitis, and right hip pain (which probably is related to the claimant's chronic low back pain).

2. Please identify all treating providers and their credentials, along with their professional area of focus and include the following:

Dr. Kelly Derrick, PCP.

Luis Ortiz, RN, Richardson, PA-C, and Dr. Joseph Hamati from pain management and has also been seen by Dr. Amr Hegazi, Anesthesiologist.

3. List all treatments (including: office visits, diagnostic evaluations and medications) for those conditions.

The submitted documentation indicates the claimant has been followed for low back pain. The documentation is difficult to follow, but it appears that the claimant has primarily been seen by his family doctor and by pain management. When seen by pain management on 01/02/2020, the claimant complained of low back pain radiating into the right lower extremity and it was noted that epidural steroid injections had provided only minimal relief of pain. Examination showed pain with full extension of the lumbar spine, bilateral sacroiliac joint tenderness, and slight weakness right foot dorsiflexion. He was diagnosed with degenerative disc disease and degenerative facet disease and a trial of medial branch nerve blocks was suggested.

It was noted in March 2020 that the claimant was being seen by his PCP for chronic care/pain management, but no physical examination abnormalities were recorded. He was diagnosed with hyperlipidemia, knee pain, chest pain, migraines, right hip pain, burns, low back pain, pes planus, bursitis, depression/PTSD, and a cough. He continued treatment for the back and hip pain with medication. Pain management notes from March 2020 indicate that the claimant had previously had

Claimant Name: Nathaniel King

RRS ID: 56232



Reliable Review Services

lumbar epidural spinal injections on 12/06/2019 and bilateral L3, 4, 5 and S1 medial branch blocks on 01/17/2020.

When seen by the PCP on 06/05/2020, it was noted that the claimant was allowed to return to work with modifications as of 06/01/2020 with restrictions regarding standing, walking, repetitive bending, squatting, stooping, and driving. At that time it was noted that the claimant had not had any significant pain management treatment since March because of Covid-9 restrictions.

The claimant was seen again by pain management on 07/02/2020 where it was noted that an MRI scan of his lumbar spine has shown a broad-based disc protrusion at L3-4 with degenerative changes also noted at L4-5 and L5-S1. There was no central canal stenosis and only minimal left neural foraminal stenosis. The provider suggested repeating L3-S1 medial branch nerve blocks. There are no further clinical notes regarding the claimant's low back pain submitted since the visit of 07/02/2020.

4. Describe any deficits (physical or psychological) related to those conditions identified in the medical/clinical records and in conjunction with your discussion with the treating provider(s) (if applicable);

According to the submitted notes the claimant has bilateral sacroiliac joint tenderness, mild limitation of the lumbar spine, and some indication of weakness of right foot dorsiflexion. These deficits would result in chronic, long-term work restrictions and limitations. Restrictions and limitations as of 04/27/2020 through present include:

No sitting greater than 2 hours at a time or for 6 hours in an 8 hour workday with ability to change positions or to stand 5 minutes out of every hour.

No standing greater than 1 hour at a time or for 2 hours in an 8 hour workday.

No walking greater than one half hour at a time or for a total of 2 hours in an 8 hour workday.

No bend/stoop/twist/turn/squat/crouch/kneel.

No work or reach below waist level.

Only occasional work or reach above shoulder level.

Unrestricted reaching at desk level.

Unrestricted use of upper extremities and hands while in a sedentary position.

No lift/carry/push/pull greater than 20 pounds occasionally or 10 pounds frequently.

No ladder climbing, balancing or working at heights.

No driving greater than 1 hour at a time or for a total of 2 hours in an 8 hour workday.

5. Do the clinical records support the deficits noted? (physical or cognitive functional deficits);

Claimant Name: Nathaniel King

RRS ID: 56232



Reliable Review Services

The clinical records are sufficient to provide objective information and imaging information that would support the claimant's complaints of low back pain with right leg radiculopathy.

6. Please discuss either way and include your clinical rationale for duration.

The clinical records are sufficient to provide objective information and imaging information that would support the claimant's complaints of low back pain with right leg radiculopathy.

According to the submitted notes the claimant has bilateral sacroiliac joint tenderness, mild limitation of the lumbar spine, and some indication of weakness of right foot dorsiflexion. These deficits would result in work restrictions and limitations as noted above during the time period under review.

7. Does the available information support a condition that would prevent the employee from performing the duties of his job/occupation as of 04/27/2020 through present? If so, for how long?

The available information does support a condition that would prevent the claimant from performing the duties of his job/occupation as described as of 04/27/2020 through present.

The available information is sufficient to support the fact that the claimant has significant low back pain with right leg radiculopathy from 04/27/2020 through present.

8. Do any of the prescribed medications noted in the medical records either on an individual basis or on altogether basis impact functional capabilities that would affect work ability. Please consider any medication changes noted in the medical records for the period of 04/27/2020 through present.

The submitted documentation does not discuss any prescribed medications that may have an effect on the claimant's functional capabilities from 04/27/2020 through present.

Assessment/Rationale

This review is from an orthopedic perspective. The time period under review is from 04/27/2020 through present.

The submitted documentation indicates the claimant is a 43 year old male who has been followed for low back pain. The documentation is difficult to follow, but it appears that he has primarily been seen by his family doctor and by pain management. When seen by pain management on 01/02/2020 the claimant complained of low back pain radiating into the right lower extremity and it was noted that epidural steroid injections had provided only minimal relief of pain. Examination showed pain with full extension of the lumbar spine, bilateral sacroiliac joint tenderness, and slight weakness right foot



dorsiflexion. He was diagnosed with degenerative disc disease and degenerative facet disease and a trial of medial branch nerve blocks was suggested.

It was noted in March 2020 that the claimant was being seen by his PCP for chronic care/pain management, but no physical examination abnormalities were recorded. He was diagnosed with hyperlipidemia, knee pain, chest pain, migraines, right hip pain, burns, low back pain, pes planus, bursitis, depression/PTSD and a cough. He continued treatment for back and hip pain with medications. Pain management notes from March 2020 indicate that the claimant had previously had lumbar epidural spinal injection on 12/06/2019 and bilateral L3, 4, 5 and S1 medial branch blocks on 01/17/2020.

When seen by the PCP on 06/05/2020, it was noted that the claimant was allowed to return to work with modifications as of 06/01/2020 with restrictions regarding standing, walking, repetitive bending, squatting, stooping, and driving. At that time it was noted that the claimant had not had any significant pain management treatment since March because of Covid-19 restrictions.

The claimant was seen again by pain management on 07/02/2020 where it was noted that an MRI scan of his lumbar spine has shown a broad-based disc protrusion at L3-4 with degenerative changes also noted at L4-5 and L5-S1. There was no central canal stenosis and only minimal left neural foraminal stenosis. The provider suggested repeating L3-S1 medial branch nerve blocks. There are no further clinical notes regarding the claimant's low back pain submitted since the visit of 07/02/2020.

The claimant is employed as a Civilian Security Office. The job description reviewed indicates that the claimant must sit for extended periods of time, walk for extended periods of time, use keyboard devices and computer monitor, and be able to drive and to climb into and out of vehicles for searches. According to the submitted notes the claimant has bilateral sacroiliac joint tenderness, mild limitation of the lumbar spine, and some indication of weakness of right foot dorsiflexion. These deficits would result in chronic, long-term work restrictions and limitations as noted above which would include the time period under review, from 04/27/2020 through present.

The available information does support a condition that would prevent the claimant from performing the duties of his job/occupation as described as of 04/27/2020 through present.

The opinion above is based on the information available for review and held to a reasonable degree of clinical accuracy. I attest that I have no relationship or association with the claimant who is the subject of this independent review. I also attest that I have no substantial personal or financial relationship with the treating provider(s) and/or treatment facility(ies), I have no financial interest in the insurer or claim administrator and my opinion(s) were not influenced by compensation received for my services.



Reliable Review Services

I hereby submit this attestation that I have complied, to the highest degree possible, with the provisions of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the standards decreed thereunder.

William M Sligar, M.D.
Board Certified
Orthopaedic Surgery
IN - 01029128A
KY - 20278

Documents Sent for Review

Document Date	Document Type	Document Source
Undated	Peer Review Referral Form	Client
Undated	Intake Form	Client
05/12/2020	Health Care Provider Medical Certification	Kelly Derrick, DO
05/21/2020	Download Request Summary	Claimant
05/03/2013	VA Vet Account Summary	VA Dallas
11/21/2019 - 05/21/2020	VA Appointments Summary	VA Dallas
09/10/2007 - 05/21/2020	VA Problem List	VA Dallas
01/08/2020, 04/27/2020, 04/28/2020, 05/04/2020, 05/12/2020	Email Correspondence	Alicia D. Tolbert, LVN
01/08/2020, 02/06/2020, 03/02/2020, 03/03/2020, 04/27/2020, 04/28/2020, 05/04/2020	Email Correspondence	Claimant
04/23/2020	Telephone Note	Cecelia R. Krogulski, RN
01/12/2020, 03/18/2020	Medication Management Note, Established Patient Note	Kelly J. Derrick, DO
03/18/2020	Health Screening Nursing Note	Alexis N. Romine, LVN
03/04/2020	Pain Management Note	Luis E. Ortiz, RN
02/10/2020, 03/03/2020	Anesthesiology Secure	Timyra Stocker, RN

Claimant Name: Nathaniel King

RRS ID: 56232



Reliable Review Services

	Message	
01/21/2020	Telephone Note	Barbara B. Robinson, RN
01/18/2020	Pain Management Post-Procedure Notes	Luis E. Ortiz, RN
01/17/2020	Nursing Discharge Notes	Beverly D. Parker-Chatmon, RN
01/17/2020	Cancellation Note	Sharon Y. Coleman, LVN
01/17/2020	Pre-Procedure Note	Tammi Key, RN
01/17/2020	Pre-Operative Reassessment	Am R. Hegazi, MD
01/17/2020	Pre-Procedure Verification Checklist	Beverly D. Parker-Chatmon, RN
01/17/2020	Pain Medicine History & Physical Notes	Jim Z. Sheng, MD
01/17/2020	Nursing Procedure Note	Michelle D. Gray, RN
01/16/2020	Nursing Telephone Note	Jolly A. Thomas, RN
12/02/2019, 01/10/2020	PACT Note	Lionel T. Pham, RN
01/03/2020	Pain Management Pre-Procedure Notes	Chase G. Culver, MD
12/02/2019, 12/12/2019, 12/17/2019, 01/02/2020	Ambulatory Care Telephone Note	Lionel T. Pham, RN
01/02/2020	Pain Medicine History & Physical Notes	Herndon Richardson, PA-C
01/02/2020	Pre-Procedure Notes	Jimmie D. Williams, RN
01/02/2020	Outpatient Check-In Note	Rebecca J. Patterson, LVN
11/21/2019, 12/05/2019, 12/12/2019, 12/19/2019	PM And R Clinical Massage After Visit Summary	Cheryl Adams
12/09/2019	Nur SDP Telephone Note	Yolanda Conner
12/07/2019	Pain Mgm T Post - Procedure Note	Luis Ortiz
12/06/2019	NUR SDP Discharge Note	Brenda Ellis
12/06/2019	Univ Prot Checklist / Pre Proceed / Time Out	Laura Ataee
12/06/2019	Univ Prot / Checklist	Brenda Ellis
12/06/20019	Pain MGM T History And Physical	Matthew Bourneuf
12/06/2019	Nur Sdp Day Of Procedure Note	Kyesha Ryan
12/06/2019	Surg Attending Pre- Op Note	Nenna Nwazota
12/05/2019	Nur SDP Telephone Note	Jolly Thomas
11/25/2019, 11/27/2019, 04/27/2020, 04/28/2020, 05/04/2020, 05/12/2020, 05/28/2020, 07/02/2020, 07/13/2020	Primary Care Secure Messaging	Alicia Tolbert
11/22/2019	Pain Management Pre-Procedure Notes	Chase Culver
05/21/2020	VA Laboratory Results	Sharif Eusufzai
05/21/2020	VA Radiology Reports	Herndon Richardson

Claimant Name: Nathaniel King

RRS ID: 56232



Reliable Review Services

12/06/2019	Surgical Arm Fluoroscopy Procedure	Jenny Maxwell
06/05/2020	Fitness For Duty / Return To Work Release Form	Kelly Derrick, DO
06/05/2020	Correspondence	Kelly Derrick, DO
04/20/2020	Correspondence	Client
10/01/2020	Download Request Summary	VA Dallas
05/03/2013	Healthe Vet Account Summary	VA Dallas
10/01/2020	VA Appointments	VA Dallas
10/01/2020	VA Notes	Scott Davis
09/21/2020	NUR M Education Administration Outpatient Note	Lazaro Mendoza
09/21/2020	NUR EM Emergency Dept Focused Assessment	Lazaro Mendoza
09/21/2020	NUR Emergency Dept Triage Note	Lisette Mendoza
09/21/2020	NUR Emergency Dept First Look Note	Evans Okero
07/23/2020	NUR Ambulatory Care Telephone Note	Lionel Pham
07/20/2020	Primary Care Secure Messaging	Lionel Pham
07/02/2020	Pain MGM Note	Joseph Hamati
06/24/2020	Radiology Metformin Reconciliation Note	Yolanda Jenkins
06/05/2020	Primary Care Secure Messaging	Kelly Derrick, DO
06/03/2020	NUR Ambulatory Care Telephone Note	Donna Bohannon
Undated	Job Description	Employer

Claimant Name: Nathaniel King

RRS ID: 56232

CHECK REQUEST FORM

Request Date:	10/23/20		
Requestor Name:	Kristin Jones		
Vendor:	Reliable Review Services		
Payee:	Reliable Review Services		
Address:	PO Box 492890		
City, State & Zip:	Redding, CA 96049		
Payee Phone:	not on file		

Invoice Date:	10/20/20		
Due Date:	ASAP	Rush?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Invoice #:	56232-1		
Amount:	\$ 415.00		
Purpose of Check:	(1) peer review		

Claimant Name:	Nathaniel King		
Claim #:	2020-04-27-0145-ASW-01	Policy Type:	STD
Client Name:	Dallas Fort Worth Airport		

Instructions for AP:			
Coding – Finance Only:			

Client Bill Back (1130)?:	<input checked="" type="radio"/> Yes <input type="radio"/> No	Full Amt:	<input checked="" type="radio"/> Yes <input type="radio"/> No	If No, Partial Amt \$	
Matrix Pays (6120)?:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Full Amt:	<input type="radio"/> Yes <input checked="" type="radio"/> No	If No, Partial Amt \$	
Reason:					

Approver Name:	Nancy Kvorka			
Approver Signature:			Date:	

Yellow Highlighted fields are required for all requests.

Green Highlighted fields are also required for Claimant related requests.

Blue Highlighted fields are also required for Claimant related requests coming from Bill Review.



INVOICE

Reliable Review Services

Invoice Number : 56232-1

10/20/2020 12:08 PM EDT

Claimant: Nathaniel King
 Client Claim#: 2020-04-27-0145-ASW-01
 RRS Claim#: 56232-1

Customer: Matrix Absence Management
 2421 W. Peoria Avenue Suite 200
 Phoenix, AZ 85029-4940

Description of Services	Type of Case	Review Type	Pages	Review Level	>1 AP Contact	Units	Rate	Other Fees
PEER REVIEW	Disability	STD	169	Appeal	No	2.25	415	

Reviewer Details

Reviewer(s)	Units	Fee
William M Sligar	Flat Rate	\$415.00
Additional Charges: n/a		
Total Billable Amount: n/a		\$415.00

Please include the invoice number with your payment and mail to:

Reliable RS
 PO Box 492890,
 Redding CA 96049

Tax Id: 26-1114252

Prompt payment within 30 days is greatly appreciated!
 Reliable RS, PO Box 492890, Redding CA 96049

Mon, 12 Oct 2020 18:06:39 +0000

To: Young, Mark W

Cc: Young, Carl W, Gilbert, Catrina T, Fontenot, Sandra K, Rossorelli, Natalie, Herbert, William J

RE: Action Required: 2020-04-27-0145-ASW-01 / Nathaniel King / Dallas-Fort Worth - Short-term disability request for peer review authorization

Caution: This email originated outside of DFW Airport. Do not click links or open attachments unless you recognize the sender and know the contents are safe. Report this

Thank you Mark.

Best Regards,

Petina Batchler
Audit and Appeals Specialist

MATRIX
ABSENCE MANAGEMENT
A MEMBER OF THE TOKIO MARINE GROUP

Phone: 877.315.9838 x 40226
Fax: 1.408.361.9068
Email: petina.batchler@matrixcos.com
Web: www.matrixcos.com

NOTICE: CONFIDENTIALITY AND PROPRIETARY INFORMATION NOTICE: This email, including attachments, is covered by the Electronic Communications Privacy Act (18 U.S.C. 2510-2521) and contains confidential information belonging to the sender which may be legally privileged. The information is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance of the contents of this information is strictly prohibited. If you have received this electronic transmission in error, please immediately notify the sender by return e-mail and delete this message from your computer or arrange for the return of any transmitted information.

From: Young, Mark W [mailto:myoung@dfwairport.com]
Sent: Monday, October 12, 2020 1:41 PM
To: Petina Batchler <Petina.Batchler@matrixcos.com>
Cc: Young, Carl W <cyoung@dfwairport.com>; Gilbert, Catrina T <cgilbert@dfwairport.com>; Fontenot, Sandra K <sfontenot@dfwairport.com>; Rossorelli, Natalie <nrossorelli@dfwairport.com>; Herbert, William J <wherbert1@dfwairport.com>
Subject: RE: Action Required: 2020-04-27-0145-ASW-01 / Nathaniel King / Dallas-Fort Worth - Short-term disability request for peer review authorization

This message originated outside of Matrix's Network. Please use caution when opening attachments, clicking links, or responding to requests for information.

Petina:

Per our discussion, DFW approves the peer review.

Mark Young
Senior Risk Analyst / Risk Management
ADA Coordinator

W (972) 973.4600

Dallas/Fort Worth International Airport
P. O. Box 619428
DFW Airport, TX 75261-9428

E myoung@dfwairport.com

Risk Mgmt. 24/7 at 214-616-0576

www.dfwairport.com

From: Petina Batchler <Petina.Batchler@matrixcos.com>
Sent: Thursday, October 8, 2020 11:49 AM
To: Young, Mark W <myoung@dfwairport.com>
Cc: QA Team@matrixcos.com; Fuze, Joanr <Joanr.Fuze@rsli.com>; Hooper, Tiana <Tiana.Hooper@rsli.com>
Subject: Action Required: 2020-04-27-0145-ASW-01 / Nathaniel King / Dallas-Fort Worth - Short-term disability request for peer review authorization

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Good afternoon,

We have an update for you on Mr. Nathaniel King's appeal. We finished obtaining all information for the above captioned short term disability appeal review. Upon review, we are recommending proceeding with an Independent Peer Review(s) of the medical information and/or vocational information contained in the claim file. With your approval, an Independent Peer Review will be conducted through our vendor service by a Board Certified Physician(s), who would be provided with a copy of the medical records, the job description and your employee's appeal information from the claim file. The Peer Reviewer(s) would also contact the employee's treating physician(s) for a "Doctor to Doctor" call to gather or clarify any necessary information. Additionally this process allows the treating physician(s) perspective on any supported disability.

The cost for the Independent Peer Review will be a charge back to your account. The billing is based on the page count of the file material, and the number of Peer and/or Vocational Reviews completed.

The current page count of information for the Peer Review is 168
We recommend a review(s) by one Peer Review specialist(s). Orthopedic
The Estimated Cost for the Peer Review process will be \$415.00

Per our prior notice on September 30, 2020 the cost for Matrix to administer the appeal is \$370.00. It is billed separately from the peer review costs.

We are recommending this type of review as part of Matrix's Appeal protocols. It provides a higher level of review during an appeal process as none of Matrix's prior medical staff can review the file again in order to provide a fair and impartial appeal review for your employee.

We respectfully request your response in agreement to the above Peer Review process within the next two business days. DFW 002316

EXHIBIT P

smainka@phamharrison.com

From: Young, Carl W
Sent: Friday, September 11, 2020 5:32 PM
To: Young, Mark W
Subject: RE: Open DFW Positions

I will take a look next week. Do you have good phone number I can reach him at.

Carl Young

Senior HR Consultant
972-973-6389 (office)
214-960-9994 (mobile)

From: Young, Mark W <myoung@dfwairport.com>
Sent: Friday, September 11, 2020 5:27 PM
To: Young, Carl W <cyoung@dfwairport.com>
Subject: FW: Open DFW Positions

I'm going to forward this to you as I don't know how one goes about applying for non-posted positions unless they're on the double-secret list I don't have access to.

From the ADA standpoint, no accommodation was made for his Security position or any other.

Mark Young

Senior Risk Analyst / Risk Management
ADA Coordinator

W (972) 973.4600

Dallas/Fort Worth International Airport
P. O. Box 619428
DFW Airport, TX 75261-9428

E myoung@dfwairport.com

Risk Mgmt. 24/7 at 214-616-0576

www.dfwairport.com

From: Nathan <ray_sir_6@yahoo.com>
Sent: Friday, September 11, 2020 9:19 AM
To: Young, Mark W <myoung@dfwairport.com>
Subject: RE: Open DFW Positions

Caution: This email originated outside of DFW Airport. Do not click links or open attachments unless you recognize the sender and know the contents are safe. Report this email to phishing@dfwairport.com, if you believe it is suspicious.

Mark,

Thu, 5 Nov 2020 23:17:35 +0000

To: Young, Mark W, Aylor, Susan

Cc: Gilbert, Catrina T, Rossorelli, Natalie, Stevens, Barry C

RE: Nathan King STD Benefits

Thanks.

Carl Young

Senior HR Consultant

972-973-6389 (office)

214-960-9994 (mobile)

From: Young, Mark W <myoung@dfwairport.com>

Sent: Thursday, November 5, 2020 4:26 PM

To: Young, Carl W <cyoung@dfwairport.com>; Aylor, Susan <saylor@dfwairport.com>

Cc: Gilbert, Catrina T <cgilbert@dfwairport.com>; Rossorelli, Natalie <nrossorelli@dfwairport.com>; Stevens, Barry C <bstevens@dfwairport.com>

Subject: Nathan King STD Benefits

Per the information noted below along with the subsequent reversal of an initial denial of STD benefits, Nathan King reached maximum benefits of 180 days for STD on 7/16/20 and an LTD application has been provided.

Per Matrix:

Re: Nathaniel R King
Plan No: ASW 515583
Claim No: 2020-04-27-0145-ASW-01
Employer: Dallas-Fort Worth International Airport Board

Dear Nathaniel King:

Matrix Absence Management (Matrix) is the claims administrator for the Dallas-Fort Worth International Airport Board Short Term Disability Plan. We have received your request for review of the previous decision made on your clam. We have concluded an independent review including the additional information submitted. We have determined that the original determination should be reversed. The additional documentation and medical information provided/obtained in submission and review of your appeal request supports your inability to work as April 27, 2020 to your short-term disability maximum benefit date. You should receive correspondence from the claims department in the very near future regarding your benefits and short-term disability exhaust date.

If you have any questions, please feel free to contact me at 1-800-866-2301 ext. 40226.

Sincerely, Petina Batchler
Petina Batchler Audit and Appeals Specialist

- 1st claim in 2019/2020 Approved from 11/09/2019 to 1/12/2020 , which is 65 days /9.3 weeks. 7 day elimination was applied from 11/09/2019 to 11/15/2019. Payable dates from 11/16/2020 to 01/12/2020, which is 58 days/8.3 week
- 2nd claim in 2020 Approved from 02/19/2020 to 04/07/2020, which s 49 days / 7 weeks. 7 day elimination applied from 02/19/2020 to 02/25/2020. Payable dates from 02/26/2020 to 04/07/2020, which is 42 days / 6 weeks
- 3rd claim in 2020 approved from 05/04/2020 through 07/15/2020. (Initially denied . . . King's appeal reversed the denial) Elimination period from 04/27/2020 to 05/03/2020. Employee has reached maximum benefits for Short term disability as of 07/16/2020. Leave closed. LTD packet sent to Employee.

Mark Young

Senior Risk Analyst / Risk Management
ADA Coordinator

W (972) 973-4600

C (972) 658-9870

Dallas/Fort Worth International Airport
P. O. Box 619428
DFW Airport, TX 75261-9428

E myoung@dfwairport.com

Risk Mgmt. 24/7 at 214-616-0576

www.dfwairport.com

smainka@phamharrison.com

From: Nathan <ray_sir_6@yahoo.com>
Sent: Monday, September 28, 2020 4:30 PM
To: Young, Mark W; Nathan Ryan King
Subject: Re: Reasonable Accommodations Denied

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Mr. Young,

That is not even close to what I asked for, I requested which accommodation affects which essential function of the job? The accommodations that I requested were designed to not prevent me from doing any of the essential job functions. I would like to know specifically which ones are affecting my reasonable accommodations request so I can adjust as necessary. My understanding of this process is that it is supposed to be interactive, with this in mind, I am asking for information on what DFW Airport considers to be the essential functions of the job that I can not do based on my requested accommodations.

In order to obtain a better understanding of what you are saying I need you to provide me with specific instances and not the vague answers of, "your requested accommodations impair or prevent you from doing most of the essential functions".

Which specific accommodation impairs or prevents which specific essential function(s)?

Then please explain how my requested accommodations can not be done without causing hardship on the department?

Let me help by providing a further explanation of my limitations as it was advised to me by Matrix to include all limitations, not just those relevant to CSO, on the chance that I have to request reasonable accommodation through reassignment:

My limitation for unable to operate / ride in a vehicle > 2hrs due to the required safe sitting position is not relevant to CSO because driving/riding in a vehicle for an extended period of time is not an essential function. Roving/perimeter patrols are not constant.

My limitation for no sitting-to-standing >5x per 30min for face-to-face interactions is a non-essential function. Only the portals (AHQ/ DPSHQ Security post) have face-to-face interactions that we have been instructed to stand up for. Nearly all interactions at the gates are sitting-to-standing in booth-to-walking to vehicle-to-standing while inspecting vehicle/SIDA-to-walking to scan badge, open gate, return badge-to-standing in booth-to-sitting. This is not repetitive sitting-to-standing and thus requires no accommodation. The essential functions at the portal (not in the job description) are to verify SIDA, inspect bags, and operate the EVOLVE scanner. These essential functions do not require standing to be completed, thus standing at the portals is a non-essential function.

My limitation for being unable to repeatedly bend, squat, or stoop only applies for under vehicle inspections and bag searches if done standing. Mirrors are already provided at every AOA gate to search under vehicles, so the accommodation is already present and I did not need to request it. The only thing I

requested for accommodations was to have a tall table for bag searches at the portal, and that is not even necessary due to standing for bag searches being non-essential in the first place.

My limitation for no heavy lifting is not even relevant to CSO because heavy lifting is not an essential function.

My limitation for 45/60 walking allows me to do the essential function of walking for an extended period of time.

My limitation for being unable to stand for >20min is not relevant to CSO because standing for extended periods of time is not an essential function.

My limitation for using an elevator and/or stairs every 2hrs is not relevant to CSO because climbing stairs is not an essential function. Also, all locations on DFW over 2 stories (25 steps) have elevator and/or escalator access, so this has no effect on the essential function of doing security patrols.

My limitation for no stools, chairs having a back affects sitting for extended periods of time. My requested accommodation was to have no stools, chairs must have a back.

I hope this provides you with a clearer understanding of the requested accommodations. Based on this, it is my understanding that you are refusing to accommodate me with, or claiming undue hardship for the following:

Providing a taller table for bag checks.

Providing a chair with a back.

None of my limitations or requested accommodations prevents me from carrying my fair share of the work load, and most of my requests deal only with non-essential functions or are unrelated to CSO.

Please let me know if you have any corrections you would like to make?

Thank you for your time,

Nathan King

On Monday, September 28, 2020, 9:55:46 AM CDT, Young, Mark W <myoung@dfwairport.com> wrote:

Mr. King:

To support an ADA claim, a person must show that he or she can either perform the essential functions of the job without assistance or can perform those functions with some reasonable accommodation. An individual who cannot make this initial showing is not qualified for protection under the ADA. The extent of your requested accommodations impair or prevent you from doing most of the essential functions of the job of Civilian Security Officer. At any given time, a Civilian Security Officer may be required to do some or all of these principle duties and responsibilities and exert the listed efforts (all deemed essential functions) on a given shift. Not only was it determined in your Interactive meeting that your requested accommodations prevent you from doing the essential functions of the job but implementing them would pose a hardship on the department.

PRINCIPAL DUTIES AND RESPONSIBILITIES

1. Inspects all vehicles attempting to enter through AOA gates, ensuring that each vehicle possesses a valid DFW Airport-issued AOA decal and that all individuals possess a current/valid DFW International Airport Board Security Identification Display Area

(SIDA) badge; inspects cab area of vehicles; and inspects vehicles underneath and in additional areas as necessary and appropriate.

2. Perform terminal security patrols of areas including but not limited to sterile areas, employee portals, Skylink stations, baggage claim areas, parking garages, curbside and terminal ramp areas.
3. Perform roving security patrols of areas including but not limited to AOA fence line and gates, cargo and hangar areas, airport Board buildings, and critical infrastructure sites.
4. Identify and report security violations.
5. Composes reports as deemed necessary and appropriate by DPS management.
6. Ensures that food service vehicles are locked and/or sealed, or inspected.
7. Ensures that no pedestrian traffic enters the AOA.
8. Ensures visitors to DFW Airport office buildings are authorized to be in the building.
9. Notifies DPS management of any attempts to enter the AOA, terminal sterile areas, , office buildings, or any other assigned area of surveillance without proper authorization or of any suspicious circumstances that may affect the security of the Airport premises.
10. Directs persons lost, distressed or incapacitated to the appropriate department or personnel for assistance.
11. Coordinates with Police Services and other Board departments on traffic management at terminals and emergent areas throughout the airport
12. Participates in counter-terrorism activities to include surveillance, information gathering, detection, and deterrence functions.
13. Participates in ensuring regulatory compliance of airport and tenant facilities and personnel
14. Ensure security at construction sites throughout the airport environment
15. Provides a variety of additional duties within the Department of Public Safety to include staging of assets for disaster and emergency response, special events security and support, other duties as assigned.

EFFORTS

- Works outside subject to all weather conditions.
- Climbs into, out of and searches under vehicles.
- Works in awkward positions such as kneeling, stooping or squatting.
- Uses near-visual acuity in inspecting vehicles and SIDA badges.
- Uses far-visual acuity in judging distance of moving vehicles.
- Exchanges information in person and over radio and telephone.
- Drives to locations on Airport property, including the AOA.
- Sits for extended periods of time.
- Walks for extended periods of time.

- Uses keyboard devices and a computer monitor.
- Maintain a professional appearance in accordance with DPS uniform standards

Please let me know if you have any questions.

Mark Young

Senior Risk Analyst / Risk Management

ADA Coordinator

W (972) 973.4600

DallasFort Worth International Airport

P. O. Box 619428

DFW Airport, TX 75261-9428

E myoung@dfwairport.com

Risk Mgmt. 24/7 at 214-616-0576

www.dfwairport.com



From: Nathan <ray_sir_6@yahoo.com>

Sent: Saturday, September 19, 2020 7:47 PM

To: Timm Richardson <tim.richardson@matrixcos.com>; Young, Mark W <myoung@dfwairport.com>

Subject: Reasonable Accommodations Denied

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I reopened a claim because I am still going thru the reassignment portion of the request.

I would like to get a list of my accommodations and which portion of the job description that they prevented me from doing, and why the proposed accommodation was denied. I have another appointment with my doctor coming up and I want to be able to discuss this with him and determine what changes, if any, we can make to my request so that I can return to work.

The teleconference only covered one line of the job requirements and was not explained in a manner that would enable me to understand completely what prevented me from performing this function with the requested accommodations, and why those accommodations were unable to be given. Getting clarification on this will enable me to better be able to request accommodations that can be met.

I included the list to save you some time, and I included what I considered the relevant portion of the job description. Please make corrections/additions where you see fit. I also attached the job description.

To: Stevens, Barry C <bstevens@dfwairport.com>

Subject: RE: Reasonable Accommodations Denied

Barry:

Thank you. Just so you know, he has now appealed his denial of short-term disability. This was denied earlier this year because the medical did not support a disability.

The appeal most likely won't be processed until next week. I'll keep you in the loop.

Mark Young

Senior Risk Analyst / Risk Management
ADA Coordinator

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P. O. Box 619428
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E myoung@dfwairport.com

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From: Stevens, Barry C <bstevens@dfwairport.com>

Sent: Wednesday, September 30, 2020 10:18 AM

To: Young, Mark W <myoung@dfwairport.com>

Subject: RE: Reasonable Accommodations Denied

Mark,

That reads very well and succinct to me. You are direct and to the point. You have collected his information, as he and his medical professional provided, and overlaid it with the ASD job description. It is my opinion, and you have noted it in the communication, that his lack of ability or limitations should not/cannot impede the current operations or create additional work/hardship on his contemporaries.

Bear

From: Young, Mark W <myoung@dfwairport.com>

Sent: Wednesday, September 30, 2020 9:53 AM

To: Gilbert, Catrina T <cgilbert@dfwairport.com>; Constantine, Anne <aconstantine@dfwairport.com>

Cc: Young, Carl W <cyoung@dfwairport.com>; Aylor, Susan <saylor@dfwairport.com>; Stevens, Barry C <bstevens@dfwairport.com>; Rossorelli, Natalie <nrossorelli@dfwairport.com>

Subject: RE: Reasonable Accommodations Denied

Please see the email chain below and my response to Mr. King. In as much as he's pushing back on the Reasonable Accommodation denial and allegedly has a lawyer, I just wanted everyone in agreement before I respond.

Nathan:

Below, you'll see essential functions of the Civilian Security Officer noted in black; your restrictions as provided to Matrix are noted in red. As you can see, your restrictions either restrict or prevent your ability to perform essential functions of a Civilian Security Officer as defined by DFW Airport. As noted in my earlier email, to support an ADA claim, a person must show that he or she can either perform the essential functions of the job *without assistance* or can perform those functions with some *reasonable accommodation*. An individual who cannot make this initial showing is not qualified for protection under the ADA. Additionally, accommodating your restrictions as provided to Matrix would create a hardship on the operation of the department. It's not required that we offer specifics as to our determination of a hardship.

Pursuant to your Interactive Meeting of 8/25/20 with Senior Security Manager Barry Stevens, HRC Carl Young, ADA Specialist Timm Richardson of Matrix, and myself, we discussed in detail the scope of your restrictions and the impact on the operation of department. In response, you suggested that other officers in your proximity would perform your duties if you were unable. It was stated at that time there could be no expectation for fellow officers to assume any percentage of your responsibilities nor would it be acceptable. It was also clearly explained that the extent of your restrictions prevent you from doing essential functions of a Civilian Security officer; a reasonable accommodation under the ADA is not applicable.

You also stated, "Please let me know if you have any corrections you would like to make?" This isn't how it works. You are under the care of a medical professional. Presumably, you discussed your work responsibilities and requirements or they had a copy of your job description and developed restrictions from there. We have to rely on the medical direction of your care provider as to your physical limitations to ensure your safety and the safety of others on the job. Nobody at DFW can "make corrections" in opposition to restrictions provided by your medical provider.

I hope this clarifies the decision process on your ADA Reasonable accommodation request. If you have any questions, please let me know.

Inspects all vehicles attempting to enter through AOA gates, ensuring that each vehicle possesses a valid DFW Airport-issued AOA decal and that all individuals possess a current/valid DFW International Airport Board Security Identification Display Area (SIDA) badge; inspects cab area of vehicles; and inspects vehicles underneath and in additional areas as necessary and appropriate.

- No standing > 20 minutes per hr.
- Unable to stand > 20 minutes per hour.
- No repetitive bending, squatting, or stooping.

Perform roving security patrols of areas including but not limited to AOA fence line and gates, cargo and hangar areas, airport Board buildings, and critical infrastructure sites

- No standing > 20 minutes per hr.
- 30 minutes out of vehicle every 2 hrs.
- No sitting or standing > 5 x 30 minutes
- 45 minutes walking 15 minutes sitting.
- Unable to stand > 20 minutes per hour.
- Limit walking to less 1 mile per day.

Coordinates with Police Services and other Board departments on traffic management at terminals and emergent areas throughout the airport.

- No standing > 20 minutes per hr.
- 30 minutes out of vehicle every 2 hrs.
- No sitting or standing > 5 x 30 minutes

- 45 minutes walking 15 minutes sitting.
- Unable to stand > 20 minutes per hour.
- Limit walking to less 1 mile per day.

Provides a variety of additional duties within the Department of Public Safety to include staging of assets for disaster and emergency response, special events security and support, other duties as assigned.

- No standing > 20 minutes per hr.
- 30 minutes out of vehicle every 2 hrs.
- No sitting or standing > 5 x 30 minutes
- 45 minutes walking 15 minutes sitting.
- Unable to stand > 20 minutes per hour.
- Limit walking to less 1 mile per day.

Climbs into, out of and searches under vehicles.

- No repetitive bending, squatting, or stooping.

Works in awkward positions such as kneeling, stooping or squatting.

- No repetitive bending, squatting, or stooping.

Drives to locations on Airport property, including the AOA.

- Limit driving to less than 2 hrs. per day.

Sits for extended periods of time.

- No sitting or standing > 5 x 30 minutes.

Walks for extended periods of time.

- Limit walking to less 1 mile per day.
- 45 minutes walking 15 minutes sitting.
- Unable to stand > 20 minutes per hour.

Mark Young

Senior Risk Analyst / Risk Management

ADA Coordinator

W (972) 973.4600

Dallas/Fort Worth International Airport

P. O. Box 619428

DFW Airport, TX 75261-9428

E myoung@dfwairport.com

Risk Mgmt. 24/7 at 214-616-0576

www.dfwairport.com

From: Nathan <ray_sir_6@yahoo.com>

Sent: Monday, September 28, 2020 4:30 PM

To: Young, Mark W <myoung@dfwairport.com>; Nathan Ryan King <ray_sir_6@yahoo.com>

Subject: Re: Reasonable Accommodations Denied



LEGAL DEPARTMENT
(972) 973-5480
(972) 973-5481 Facsimile

June 11, 2020

Eric D. Rogers
Spielberger Law Group
4890 W. Kennedy Blvd., Suite 950
Tampa, FL 33609

Re: Nathaniel King

Dear Mr. Rogers,

I have been asked to respond to your letter of May 22, 2020 regarding your client Nathaniel King. Your client is incorrect in his allegation that a non-disabled employee was assigned to a vacant position in the administration department 2 weeks after his request. While positions in the Airport Headquarters can be used for modified duty as needed, it is not a permanent position and all CSO's rotate among the various posts around the airport.

Before he went out to apply for short-term disability, he was being accommodated by working E Dock reviewing badges and was provided a chair. This was within his restrictions. Our policy provides for 60 days of modified duty with the possibility of an extension. 41 days into his extension, we were notified that his medical restrictions were permanent in nature with no known end. He has applied for short-term disability and Matrix, our third-party administrator is awaiting further medical to continue his claim. If he is unable to perform the essential functions of his job, we will begin the interactive process of possible accommodation.

Regards,

Anne M. Constantine

Anne M. Constantine
Legal Counsel
DFW International Airport

To: Petina Batchler <Petina.Batchler@matrixcos.com>

Cc: QA_Team@matrixcos.com; Fuze, Joanr <Joanr.Fuze@rsli.com>; Hooper, Tiana <Tiana.Hooper@rsli.com>; Carina Rizo <Carina.Rizo@matrixcos.com>; Gilbert, Catrina T <cgilbert@dfwairport.com>; Young, Carl W <cyoung@dfwairport.com>; Rossorelli, Natalie <nrossorelli@dfwairport.com>

Subject: RE: 2020-04-27-0145-ASW-01 / Nathaniel King / Dallas-Fort Worth - Appeal Overturn

This message originated outside of Matrix's Network. Please use caution when opening attachments, clicking links, or responding to requests for information.

Petina:

In as much as your decision affects DFW's STD budget, I need specific reasons as to why the initial determination was deemed incorrect (as much as you can). We entrust Matrix to thoroughly vet the medical documentation provided and make fact based decisions as to its validity at the time. I would also like to know how "additional documentation" not provided at the time of the initial determination can be applied to a past event. Also, with regard to the job description, the duties and responsibilities of a Civilian Security Guard are vast and can change in an instant depending upon the situation at hand. What specifically in the job description makes the claim valid now?

For a variety of reasons, the optics aren't good when these are overturned. We need to have a little more justification.

Mark Young

Senior Risk Analyst / Risk Management
ADA Coordinator

W (972) 973.4600

DallasFort Worth International Airport
P. O. Box 619428
DFW Airport, TX 75261-9428

E myoung@dfwairport.com

Risk Mgmt. 24/7 at 214-616-0576

www.dfwairport.com



From: Petina Batchler <Petina.Batchler@matrixcos.com>

Sent: Wednesday, November 4, 2020 8:06 AM

To: Young, Mark W <myoung@dfwairport.com>

Cc: QA_Team@matrixcos.com; Fuze, Joanr <Joanr.Fuze@rsli.com>; Hooper, Tiana <Tiana.Hooper@rsli.com>; Carina Rizo <Carina.Rizo@matrixcos.com>

Subject: 2020-04-27-0145-ASW-01 / Nathaniel King / Dallas-Fort Worth - Appeal Overturn

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EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 450-2021-00745	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) MR. NATHANIEL R KING		Home Phone (682) 433-7169	Year of Birth 1977
Street Address City, State and ZIP Code 7503 TWIN PARKS DR, ARLINGTON, TX 76001			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name DFW AIRPORT BOARD		No. Employees, Members 501+	Phone No. (972) 973-3610
Street Address City, State and ZIP Code 2400 AVIATION DR, DFW AIRPORT, TX 75261			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 08-25-2020 12-11-2020 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): PERSONAL HARM: During a teleconference meeting held on or around August 25, 2021 with HR and Management, I requested a reassignment as a reasonable accommodation. Management and HR agreed to work with me to accommodate me for a reassignment. The Respondent failed in helping me to find and obtain a reassignment as promised. Every job that I applied for I was told, 'there were stronger candidates' and on December 14th I received a termination letter via mail. RESPONDENTS REASON FOR ADVERSE ACTION: None DISCRIMINATION STATEMENT: I believe that I was discriminated against based on disability, in violation of the Americans with Disabilities Act of 1990 as amended. I believe that I was retaliated against in violation of Section 503(a) of the Americans with Disabilities Act of 1990, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. Digitally signed by Nathaniel King on 02-10-2021 02:23 PM EST		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. FORM NUMBER/TITLE/DATE. EEOC Form 5, Charge of Discrimination (11/09).

2. AUTHORITY. 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.

3. PRINCIPAL PURPOSES. The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.

4. ROUTINE USES. This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.

5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION. Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an

investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

NATHANIEL KING,

Plaintiff,

v.

Civil Action No.

DFW INTERNATIONAL AIRPORT BOARD, 4:22-CV-929-P

Defendant.

VIDEOCONFERENCE DEPOSITION OF
NATHANIEL KING

DATE: Monday, March 20, 2023

TIME: 10:38 a.m.

LOCATION: Remote Proceeding

900 West Abram Street

Arlington, TX 76013

REPORTED BY: Kimberly Holton, Notary Public

Job No. CS5789609

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF NATHANIEL KING:

WES DAUPHINOT, ESQUIRE (by videoconference)

Dauphinot Law Firm

900 West Abram Street

Arlington, TX 76013

wes@dauphinotlawfirm.com

ON BEHALF OF DEFENDANT DFW INTERNATIONAL AIRPORT
BOARD:

CAROLINE HARRISON, ESQUIRE (by videoconference)

Pham Harrison, LLP

505 Pecan Street, Suite 200

Fort Worth, TX 76102

charrison@phamharrison.com

ALSO PRESENT:

Kimberly M. Carlisle, Counsel for DFW Airport,

kcarlisle@dfwairport.com (by videoconference)

I N D E X

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By Ms. Harrison	6

E X H I B I T S

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(Exhibits attached.)

P R O C E E D I N G S

THE REPORTER: Good morning. My name is Kimberly Holton; I am the reporter assigned by Veritext to take the record of this proceeding. We are now on the record at 10:38 a.m.

This is the deposition of Nathaniel King taken in the matter of Nathaniel King vs. DFW International Airport Board. This is in the United States District Court for the Northern District of Texas, Fort Worth Division, civil action number 4:22-CV-929-P on March 20, 2023.

The witness is located in Arlington, Texas. The reporter is located in McKinney, Texas. I am a notary authorized to take acknowledgments and administer oaths in the State of Texas.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recording of this proceeding:

- is intended for all uses permitted under applicable procedural and evidentiary rules and laws in the same manner as a deposition recorded by stenographic means; and

1 - shall constitute written stipulation
2 of such.

3 At this time will everyone in
4 attendance please identify yourself for the record,
5 beginning with counsel for the defense.

6 MS. HARRISON: Caroline Harrison with
7 the law firm of Pham Harrison on behalf of Defendant.

8 MS. CARLISLE: Kimberly Carlisle.
9 Legal counsel, DFW Airport.

10 MR. DAUPHINOT: Wes Dauphinot. Counsel
11 for Plaintiff.

12 MR. KING: Nathaniel King, Plaintiff.

13 THE REPORTER: Thank you. After
14 hearing no objections, I will now swear in the
15 witness.

16 Mr. King, would you please raise your
17 right hand?

18 WHEREUPON,

19 NATHANIEL KING,
20 called as a witness, and having been first duly sworn
21 to tell the truth, the whole truth, and nothing but
22 the truth, was examined and testified as follows:

23 THE REPORTER: Thank you.

24 Counsel, you may proceed with your
25 examination.

MS. HARRISON: Thank you.

EXAMINATION

BY MS. HARRISON:

Q Mr. King, will you give us your full legal name, please?

A Nathaniel Ryan King.

Q Have you ever been deposed before?

A Yes.

Q When was that?

A 2010, I believe.

Q And do you remember the lawsuit that was --

A It was Brice Yingli versus eBay.

Q Were you a witness or a party?

A I was a witness.

Q Just briefly, what was that lawsuit involved?

A It was a class action against eBay Motors specifically for overcharging on final value fees. The final settlement was 30 million.

Q And how were you related to that litigation?

A I was the manager at Alamo Autosports, which is owned by Brice Yingli. And I'm the one who discovered the discrepancy in the pricing.

Q Have you ever been a witness in a trial?

A No.

1 Q Have you ever been a witness at a hearing?

2 A No.

3 Q Before I really get into the meat of the
4 questions here, I just want to go over some ground
5 rules. I know you've been deposed before, but just to
6 remind you, I want to cover a couple of ground rules.
7 I'm going to ask that every answer you give is verbal
8 instead of a head shake or a head nod. Can you agree
9 to that?

10 A Yes.

11 Q Also, I'm going to ask that you let me
12 finish my questions before you start answering. And
13 by the same token, I'll let you finish your answer
14 before I start another question. That way we get a
15 clear record, and the court reporter isn't trying to
16 figure out what we're saying if we're talking over
17 each other. Can you agree to that?

18 A Yes.

19 Q I'm also going to ask you to speak up so
20 that the court reporter can hear you. I'm sure she'll
21 let us know, though, if she can't hear anything that
22 is said. I also want to ask you if you will agree
23 with me to give a response to questions that is,
24 "Yes," or "No," instead of, "Uh-huh," or "Uh-uh."
25 That way your attorney and I aren't arguing later over

1 what, "Uh-huh," might have meant. Can we agree to
2 that?

3 A Yes.

4 Q We're here today because of the lawsuit that
5 you filed. And this is the opportunity that the law
6 provides for defense to ask you some questions to help
7 determine the validity of your claims. Do you
8 understand that?

9 A Yes.

10 Q So I'm going to ask you some questions. And
11 I'm going to ask you to answer those questions
12 completely. Can I get you to agree that you're going
13 to give me full and complete answers today when I ask
14 questions?

15 A Yes.

16 Q Just now you took an oath with the court
17 reporter. What does that mean to you to take an oath?

18 A It means you're going to be 100 percent
19 honest and open and true.

20 Q And can we agree that's what you're going to
21 do here today?

22 A Yes.

23 Q Would you agree with me that the truth is
24 the best when it's the whole truth?

25 A And nothing but the truth.

1 Q So I take it you agree with me, then?

2 A Yes.

3 Q Can I get you to agree with me that if you
4 need to add something to your testimony today, that
5 you will do so, so that we make sure we get the whole
6 and complete truth on the record?

7 A Yes.

8 Q After the deposition is taken, you will be
9 given the opportunity to review it. Did you know
10 that?

11 A Yes.

12 Q And will you agree with me that you will
13 review it and make any corrections that you need to
14 make?

15 A Yes.

16 Q You will also be given an opportunity to
17 take breaks today. Let me know any time you need to
18 take a break. This isn't a test of your endurance.
19 So I'll try to take a break about every hour. But if
20 you need a break before that, that's perfectly fine.
21 Just let me know; okay?

22 A Yes.

23 Q Are you taking prescription medications
24 today?

25 A No.

1 Q Have you had any prescription medications in
2 the last 24 hours?

3 A No.

4 Q Are you taking any substance that would
5 impair your ability to answer questions today?

6 A No.

7 Q One last thing. I want to make sure that if
8 you answer a question, that means that you understood
9 the question. If you don't understand the question,
10 will you ask me to rephrase?

11 A Yes.

12 Q Have you ever gone by any names other than
13 Kenneth King?

14 A Who is Kenneth?

15 Q I'm so sorry. Nathaniel King. I apologize.

16 A Yes. I go by Nathan as well.

17 Q What's your date of birth?

18 A 1 May '77.

19 Q And where were you born?

20 A Smithville, Missouri.

21 Q Where do you currently live?

22 A South Fort Worth. 10509 Summer Place Lane,
23 Fort Worth, Texas 76140.

24 Q How long have you lived there?

25 A Just right at a year.

1 Q And is it a house or an apartment?

2 A It's a house.

3 Q And do you own it or rent it?

4 A Own it.

5 Q Do you have any other residences?

6 A No.

7 Q Do you own any other property?

8 A No.

9 Q What was your prior address?

10 A 7503 Twin Parks Lane, Arlington, Texas
11 76001.

12 Q How long did you live there?

13 A Seven or eight years.

14 Q And did you own or rent that?

15 A That was -- I originally rented it and then
16 we purchased it.

17 Q Who is your current employer?

18 A I am not employed.

19 Q I want to talk about your employer before
20 DFW Airport. Who were you employed with just before
21 DFW Airport?

22 A I worked for UPS.

23 Q And what did you do for UPS?

24 A I was a seasonal package sorter.

25 Q When you say seasonal, what do you mean by

1 that?

2 A I was there for the Christmas rush.

3 Q Do you remember your dates of employment
4 there?

5 A That would have been end of October into
6 middle of January.

7 Q And was that October 2015 to January of
8 2016?

9 A Negative. That would be 2014 to 2015.

10 Q Okay. And then you started with the airport
11 in 2016?

12 A It was 2015 or 2016.

13 Q Well, I thought it was 2016, but it could
14 have been 2015. I might be misremembering that.

15 A I as well.

16 Q Okay. From the time you stopped working at
17 UPS until the time you started at the airport, did you
18 work for anyone else?

19 A No.

20 Q Who did you work for before UPS?

21 A Before UPS, I was a full-time student at
22 UTA. I did not have an employer.

23 Q Did you get your degree from UTA?

24 A Yes, I did.

25 Q When did you get that degree?

1 A I graduated in August of 2015. So, correct,
2 it would be 2016 for employment for -- for DFW.

3 Q What's your degree in?

4 A Business management with a minor in criminal
5 justice and organizational communication.

6 Q Do you know what year you started at UTA?

7 A Either 2011 or 2012.

8 Q And you didn't have any jobs while you were
9 going to school at UTA?

10 A I had a break in between semesters for about
11 a year between my junior and senior year, and I was
12 working at Alamo Autosports as well. I worked there
13 twice.

14 Q What did you do when you worked there during
15 that break from school?

16 A I was the eBay manager as well as the
17 accounts manager as well as the shop manager.

18 Q Was that a full-time job?

19 A Yes.

20 Q Before you started at UTA, when you were
21 working at Alamo Autosports, what did you do for them?

22 A I'm sorry. Can you say the question again?

23 Q Yeah. Before you started at UTA, when you
24 worked at Alamo Autosports, what was your position?

25 A I already set that. The -- the eBay

1 manager, the shop manager, and the -- I can't
2 remember. It's on the tip of my tongue.

3 Q Oh, that's okay. And this would have been
4 in 2012. Is that right? Before you went to school.

5 A It was in the middle of going to school.

6 Q Oh, okay. I'm sorry. I wanted to focus on
7 the time before you went to school.

8 A Okay. Before I went to school, I was also
9 at Alamo Autosports. And then during my first two
10 years at UTA, I was working at Mouser Electronics as a
11 data entry specialist.

12 Q Okay.

13 THE REPORTER: What was the name of
14 that company again, sir? I'm sorry.

15 THE WITNESS: Mouser, mouse with an R,
16 Electronics.

17 THE REPORTER: Thank you.

18 THE WITNESS: No problem.

19 BY MS. HARRISON:

20 Q So you worked at Mouser the first two years
21 of your schooling?

22 A Correct.

23 Q Okay. Let me go back to Alamo Autosports.
24 When you worked at Alamo Autosports, before you went
25 to UTA, was that the same job that you did when you

1 had the break from UTA?

2 A Yes.

3 Q Okay. What did you generally do? I know
4 you told me the title. But what did that --

5 A I ran the day-to-day operations of shop,
6 including supervising five to seven mechanics and
7 assigning job details every day. I answered phones in
8 the front. I also dealt with everything on eBay.
9 Listings, answering questions, shipping, PayPal
10 payments, basically ran everything eBay, I deal with.

11 Q Why did you leave that job to go to school?

12 A He had continually missed payments for my --
13 my payroll. So after he had done that so many times
14 -- you know, he would eventually, a couple weeks
15 later, catch up. But I couldn't, you know, at that
16 time afford -- you know, I couldn't keep my house
17 payments up to date if I wouldn't get -- know I was
18 getting paid every two weeks.

19 And with my G.I. Bill, I was able to go to
20 UTA, and they gave me a monthly stipend that covered
21 everything.

22 Q Did that monthly stipend cover some of your
23 living expenses as well?

24 A Yes, all of it.

25 Q Oh. And so you also worked at Mouser for

1 the first two years that you were at UTA. Is that
2 right?

3 A Correct.

4 Q Was that a part-time job or a full-time job?

5 A It was a full-time job.

6 Q So 40 hours a week approximately?

7 A Fifty.

8 Q Oh, okay. I know you said you were a data
9 entry clerk, but what did that involve?

10 A I populated spreadsheets using datasheets
11 from manufacturers of electronics components. Like,
12 semiconductors, resistors, all that kind of stuff.
13 Everything that goes on a circuit board, I had to
14 price it. And everything that I priced is what
15 publishes on their webpage.

16 Q Had you worked at Mouser before your time at
17 UTA?

18 A No.

19 Q Do you know what years you worked at Mouser?

20 A Not off the top of my head.

21 Q Okay. But you think it was the first two
22 years you --

23 A Yes --

24 THE REPORTER: I'm sorry. This is the
25 reporter. Everybody is frozen. I'm sorry, counsel.

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1 The Zoom has frozen. Please hold on. Okay. Counsel,
2 the Zoom froze. So the last thing I got was, "Do you
3 know what years you worked at Mouser," and he says,
4 "Not off the top of my head." And then I heard you
5 say, "Okay. But do you think it was the first two
6 years you were --" and then everything froze.

7 And now I've lost everybody. Hold on.
8 I've lost everybody. Going to go off the record. The
9 time now is 10:53 a.m. We are off the record.

10 (Off the record)

11 THE REPORTER: The time now is
12 10:57 a.m. We are back on the record.

13 BY MS. HARRISON:

14 Q Mr. King, will you tell me where you worked
15 before Mouser Electronics.

16 A I worked at Wheels America.

17 Q And what did you do at Wheels America?

18 A I was a ground delivery salesman.

19 Q Before Wheels America, where did you work?

20 A I was in the U.S. Army.

21 Q What years were you in the army?

22 A From '95 to 2004.

23 Q What did you do? What roles did you have in
24 the U.S. Army?

25 A I was a communication specialist, NBC

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1 specialist, and orderly clerk.

2 Q Was the communication specialist the last
3 role you had?

4 A It was my primary job. The other two were
5 added to on top of it.

6 Q What did you generally do as a communication
7 specialist?

8 A I maintained and trained people on the
9 radios as well as troubleshooted whenever there was
10 issues, and filled out work orders for equipment that
11 needed to be repaired or replaced or equipment that
12 was faulty.

13 Q And did you have an honorable discharge?

14 A Yes.

15 Q Before you went into the army, did you work
16 anywhere?

17 A Yes. I worked at UPS at the airport.

18 Q Do you own any companies?

19 A No.

20 Q Are you presently married?

21 A Yes.

22 Q What is your spouse's name?

23 A Kandice Miller.

24 THE REPORTER: Hello? The time now is
25 10:59 a.m. We're off the record.

1 (Off the record.)

2 THE REPORTER: The time now is
3 11:02 a.m. We are back on the record.

4 BY MS. HARRISON:

5 Q When did you and Ms. Miller marry?

6 A 2015.

7 Q And how old is Ms. Miller?

8 A Thirty-five.

9 Q Who is her employer?

10 A DFW International Airport.

11 Q Do you know when she started working for the
12 airport?

13 A 2017.

14 Q What does she do for them?

15 A She is a compliance analyst.

16 Q Has she been doing that the whole time that
17 she's been employed by them?

18 A No. She was originally hired as a CSO.

19 Q Do you know how she got the job as a
20 compliance analyst?

21 A She was promoted.

22 Q Do you know when that happened?

23 A No, not off the top of my head.

24 Q Did she apply for that promotion?

25 A Yes.

1 Q Have you ever been divorced?
2 A Yes.
3 Q When were you divorced?
4 A January 2013.
5 Q Who was your previous spouse?
6 A Theresa Hunter.
7 Q When did you marry Theresa Hunter?
8 A 2004.
9 Q What county did your divorce take place in?
10 A Tarrant.
11 Q Have you been married any other times?
12 A No.
13 Q And do you have children?
14 A Yes.
15 Q How many children do you have?
16 A Two.
17 Q What are their names and ages?
18 A Vanessa Elizabeth King, 17. Kaitlyn
19 Victorian Isabella King, 8.
20 Q Do either Vanessa or Kaitlyn live with you?
21 A Just Kaitlyn.
22 Q Have you ever been arrested?
23 A Yes.
24 Q When was that?
25 A 2001.

1 Q And what was that for?

2 A Speeding.

3 Q Were you convicted as a result of that
4 arrest?

5 A No. The charges were dropped.

6 Q Can you tell me a little bit more about
7 that?

8 A I was cited at 135 in a 60. And I was
9 arrested and taken to Dallas County Jail. And it was
10 right before my first deployment. And I called in to
11 inform the DA that I was not going to be in the
12 country for the court date. And she went and talked
13 to the judge and had it dismissed.

14 Q Okay. And were you going 135?

15 A Yes.

16 Q Okay. Have you ever been convicted of a
17 felony?

18 A No.

19 Q Have you ever been -- let me start that
20 question over. Other than your divorce proceeding
21 that you told me about, have you ever been a party to
22 a lawsuit other than this one?

23 A The one with just eBay.

24 Q You were a party to that lawsuit?

25 A I was a witness to it.

1 Q You were a witness to it. Were you a party
2 to it?

3 A No.

4 Q Okay. Do you understand what the --

5 A It was -- it was a class action. So
6 technically, yes, but also I wasn't -- I didn't take
7 part in it except for the deposition.

8 Q Were you a member of the class?

9 A Yes.

10 Q Did you receive anything as a result of the
11 settlement?

12 A No.

13 Q Were you represented by an attorney in that
14 lawsuit?

15 A Yes.

16 Q What was the name of that attorney?

17 A It was at the Davenport Law Firm in downtown
18 Dallas, Keith Burgess.

19 Q Am I remembering correctly that you told me
20 there was a settlement in that lawsuit?

21 A Correct.

22 Q But you didn't receive any part of it?

23 A The settlement was divvied out based on how
24 many eBay Motors sales you had, and it had to be a sum
25 large enough for them to -- I think it had to be over

1 \$5, and the final value fee was only 7 percent of your
2 -- from your cost. And so if it wasn't over \$5, you
3 didn't get it. I didn't sell enough on it to get a
4 refund.

5 Q Okay. Thank you for explaining that to me.

6 A No problem.

7 Q Other than that lawsuit, have you ever been
8 a party to a lawsuit?

9 A No.

10 Q Do you have any agreements with anyone other
11 than your attorney to pay them any portion of money
12 you recover as a result of this lawsuit?

13 A No.

14 Q Have you ever filed for bankruptcy?

15 A No.

16 Q Did you receive a high school diploma?

17 A I have a GED.

18 Q When did you get that GED?

19 A '95.

20 Q Did your wife serve in the military?

21 A Yes.

22 Q When did she serve in the military?

23 A 2010 to 2018, I believe.

24 Q What branch did she serve?

25 A She was in the army.

1 Q Is that how you met your wife? In the army.
2 A No.
3 Q How did you find your attorney?
4 A Just looking through the list of attorneys.
5 Q The list of attorneys on?
6 A Just a Google search.
7 Q Oh, a Google search. Okay. When was the
8 first time you met with your attorney?
9 A I really don't know. I don't recall.
10 Q How many attorneys have you had?
11 A Three.
12 Q In regard to this case?
13 A Correct.
14 Q Was your first attorney Eric Rogers at the
15 Spielberg Law Firm?
16 A Correct.
17 Q How did you find him?
18 A It was on the EEOC list.
19 Q Was that before you filed with the EEOC?
20 A Yes.
21 Q Did Mr. Rogers help you file with the EEOC?
22 A No.
23 Q Did he send a demand letter to the airport?
24 A He sent a request letter, yes.
25 Q A request letter, okay. And then you got

1 another attorney. Is that right?

2 A Correct.

3 Q Do you remember the name of that attorney?

4 A That escapes me for some reason. I'm --

5 Q Was it Michael Fallings?

6 A Yes. Fallings -- yes.

7 Q Okay. And how did you find him?

8 A Google.

9 Q Did you meet with Mr. Fallings?

10 A Negative. We never met in person.

11 Q And did he help you file with the EEOC or is
12 that something you did on your own?

13 A Yes, he did help.

14 Q Why did you look for a new attorney after
15 Mr. Fallings?

16 MR. DAUPHINOT: And if it requires any
17 communications with your attorney, you don't disclose
18 that. For instance, if the answer said, "Oh, well
19 Mr. Fallings told me he couldn't go any further on my
20 case," you don't have to talk about those answers. Do
21 you want to confer?

22 THE WITNESS: I want to confer with
23 you.

24 MS. HARRISON: Do we need to take a
25 break? See if --

1 MR. DAUPHINOT: Usually if you have to
2 confer with me, it's not in front of counsel. We take
3 a break.

4 THE WITNESS: Can we take a break?

5 MR. DAUPHINOT: Okay. All right.

6 MS. HARRISON: Okay.

7 THE REPORTER: Okay. The time now is
8 11:11 a.m. and we are off the record.

9 (Off the record.)

10 THE REPORTER: The time now is
11 11:13 a.m. We are back on the record.

12 BY MS. HARRISON:

13 Q Mr. King, we took a brief break so that you
14 could confer with your attorney. Are you now ready to
15 answer the question?

16 A Yes.

17 Q Okay.

18 A The reason why is the remote location of his
19 offices that happen to travel up here.

20 Q Where was his office located?

21 A San Antonio.

22 Q And how did you find Mr. Dauphinot?

23 A Google as well.

24 Q And are you also represented by Hani Kobty?

25 A Yes.

1 Q Okay. How did you find -- do you know how
2 to say his last name? I don't want to butcher it.

3 A Dauphinot.

4 Q No.

5 A The other one?

6 Q The other one.

7 A I don't.

8 Q No? Okay. How did you find Mr. Kobty?

9 A I didn't find him.

10 Q Oh, okay. Have you met with him?

11 A No.

12 Q Do you know when you hired Mr. Dauphinot?

13 A Not off the top of my head.

14 MR. DAUPHINOT: Mr. Kobty is in this
15 exact same office, 900 Abram. He's on my contract as
16 well there

17 MS. HARRISON: Thank you for clarifying
18 that, Mr. Dauphinot.

19 BY MS. HARRISON:

20 Q What did you do to prepare for your
21 deposition today?

22 A I just read back over some of my old e-mails
23 that I had.

24 Q Do you remember which ones?

25 A Just basically went over just basically all

1 of them that have been provided for the discovery.

2 Q All the ones that you provided to your
3 attorney?

4 A Correct.

5 Q Did you meet with your lawyer to prepare for
6 your deposition?

7 A No.

8 Q Did you review any documents other than the
9 e-mail you just referenced?

10 A No.

11 Q The document that was filed to start this
12 lawsuit is called the complaint. Did you read the
13 complaint before it was filed?

14 A Yes.

15 Q When is the last time you think you looked
16 at it?

17 A When I was here to review before it was
18 filed.

19 Q Okay. I'm going to mark the complaint as
20 Exhibit 1. Will you take a look at that and tell me
21 if you think this is the complaint that you reviewed?

22 (Exhibit 1 was marked for
23 identification.)

24 A Yes.

25 Q And you said that you read it before it was

1 filed. Is that correct?

2 A Correct.

3 Q And you haven't read it since then?

4 A Correct.

5 Q Is everything in this complaint true?

6 A Yes.

7 Q Okay. Do you need a few minutes to review
8 it or --

9 A I reviewed it before it was submitted.

10 Q Okay. Are there any claims that you believe
11 need to be included that are not in this document?

12 A Not that I can think of.

13 Q When did you decide to file a lawsuit
14 against the airport?

15 A When I got my 90-day right to sue letter
16 from the EEOC.

17 Q When was that? Do you remember generally
18 when you got that letter?

19 A August, I believe, of 2022.

20 Q So before you got that right to sue letter,
21 you had not made a decision about whether to file a
22 lawsuit?

23 A Correct.

24 Q Why did you file this lawsuit?

25 A I feel that it was needed since the right

1 with the -- I got the word for it. Just to get --
2 just to get justice and to be able to correct a wrong.

3 Q What does that mean to you in this
4 situation? To get justice.

5 A It means that I was discriminated against by
6 the airport and that I think that it should be
7 corrected.

8 Q What does that mean to you? How would it be
9 corrected, in your estimation?

10 A I really don't know. I really think that
11 would be up to the courts to decide.

12 Q Okay. Do you know what you're looking for
13 as a result of this lawsuit? What the outcome is that
14 you're looking for.

15 A I have not made predeterminations on that.

16 Q You said that you were looking for justice
17 and to correct a wrong. What do you mean by correct a
18 wrong?

19 A That I was discriminated against and lost
20 the job that had been my dream job since I was a kid.

21 Q Okay. How do you believe that you were
22 discriminated against?

23 A Because I was not properly given my rights
24 under ADA for reasonable accommodations.

25 Q Okay. We'll dive deeper into that

1 specifically a little bit later in the deposition.
2 Have you spoken with anyone in relation to this
3 litigation from whom you received a written statement?

4 A No.

5 Q Do you have any recorded statements related
6 to this litigation?

7 A Yes, I do.

8 Q Okay. Tell me about those What statements
9 do you have?

10 A I have recorded the teleconference call that
11 I did with the airport on August 25th.

12 Q Anything else?

13 A That's it.

14 Q Okay. So you have not interviewed someone
15 as a witness in this lawsuit and recorded it?

16 A No.

17 Q Have you spoken with any current DFW Airport
18 employees about this lawsuit?

19 A Yes.

20 Q Who have you spoken with?

21 A Sam Jones and Bathyaa.

22 THE REPORTER: I'm sorry. I didn't
23 catch the last one, sir.

24 THE WITNESS: Bathyaa, B-A-T-H-Y-A-A.

25 THE REPORTER: Thank you.

1 THE WITNESS: No problem.

2 BY MS. HARRISON:

3 Q When is the last time you spoke to Sam Jones
4 about this lawsuit?

5 A A month and a half ago.

6 Q Did he call you or did you call him?

7 A He returned my call.

8 Q So you called him and he called you back?

9 A Correct.

10 Q And why did you call Mr. Jones?

11 A Because I hadn't talked to him in a few
12 months.

13 Q What did you talk to him about during that
14 phone call?

15 A Everything. Just -- it was like seven hours
16 long.

17 Q It was a seven-hour phone call?

18 A Yes. Not our record, but it's close.

19 Q What do you mean not on record?

20 A Our record is just over eight hours.

21 Q Oh, the record for a phone call between you
22 and Mr. Jones?

23 A Yes.

24 Q Okay. Do you remember when that phone call
25 was? What day it was.

1 A Not exactly, no.

2 Q Approximately when was it?

3 A A month and a half ago. I can look on my
4 phone. You want the exact date?

5 Q That's okay.

6 A Okay.

7 Q So probably in January or do you think it
8 was maybe the beginning of February?

9 A Beginning of February.

10 Q Okay. When you say you talked about
11 everything, give me some better idea, please, about
12 what you talked about.

13 A We talked about Transformers, we talked
14 about the Ukrainian conflict, we talked about Trump,
15 we talked about girls, we talked about gay bars, when
16 we were growing up. Just, I mean, it was just
17 everything, you know.

18 Q What did you talk about in relation to this
19 lawsuit?

20 A Just that I had this deposition scheduled.

21 Q And what did he say to you about this
22 lawsuit?

23 A He mentioned that he had been interviewed by
24 y'all. And that was about it.

25 Q Did he tell you what we talked about?

1 A Yes, he did mention a few things.

2 Q What did he tell you?

3 A He said that you asked him if he was my
4 direct supervisor, which he was not. And then he
5 asked -- you asked if he thought that I could be
6 accommodated and that he said yes. That's -- I think
7 that's really about all. He thought that the
8 interview was my attorney doing it. Not the
9 airport's. So he -- he was like, "Oh, yeah, you know,
10 I had that interview with your attorney." I was like,
11 "When?" So --

12 Q Do you know if he's actually spoken to your
13 attorney?

14 A Not that I know of.

15 Q How many times have you talked to Sam Jones
16 about this lawsuit?

17 A Maybe a dozen or more.

18 Q Okay. Do you expect to call him at trial?

19 A Yes. He was one of our witnesses.

20 Q What do you expect him to testify about?

21 A What he saw.

22 Q And what was that?

23 A I can't speak for him.

24 Q He's told you what he's saw, thought, hasn't
25 he?

1 A He -- he's basically said that he didn't
2 understand why the airport did what they did and that
3 they would have accommodated me.

4 Q How has he told you that he believed the
5 airport could have accommodated you?

6 A 'Cause he was a supervisor and he has done
7 similar for other people that had less -- didn't even
8 request it under ADA and it was given to them.

9 Q Did he tell you the names of any of those
10 people who never requested an accommodation but got an
11 accommodation?

12 A No.

13 Q And I'm not trying to put words in your
14 mouth. Is that essentially what he said? That he's
15 had people that he supervised that didn't ask for an
16 accommodation, but got an accommodation?

17 A It's not just him. It's many other people
18 that have gotten it not from him, but just from the
19 airport, airport security, just in general.

20 Q Is Mr. Jones in airport security?

21 A He was.

22 Q But he's not told you the names of any of
23 those people that got accommodations?

24 A I wouldn't know. I'm terrible with names.
25 So we almost never bring up names. It's just this one

1 person this, that one person that. So I'm terrible --
2 I do faces. So you can tell me a name all day, I
3 wouldn't even know what it was.

4 Q Okay. But did Mr. Jones tell you any names?

5 A No.

6 Q He did not tell you names?

7 A No.

8 Q Okay. Did he tell you a role that he
9 thought you could have been put in or that --

10 A Yeah. Administrative security.

11 Q And what does an administrative security
12 person do?

13 A They watch the cameras in the DFW HQ
14 building and the DPS building. And they now man the
15 booth outside the DPS building.

16 Q Is that the only position that he told you
17 about that he thought you could have been put into?

18 A He said that they could have easily modified
19 the schedule as well to not put me at areas or to just
20 not make me stand up for every person and give me a
21 taller table as a request.

22 Q When did he tell you that he thought you
23 could have been put in an administrative security
24 position?

25 A While I was in the E dock in between January

1 and April 2020.

2 Q And did you ever talk to your supervisor
3 about putting you in an administrative security
4 position?

5 A Yes.

6 Q What was the name of that supervisor?

7 A I forwarded it to Natalie Rossorelli, which
8 is my risk management right. And I requested a
9 reassignment, it was denied. I also requested a
10 meeting with my senior director, or my senior manager
11 at that point, and he also denied it and denied that
12 there was any openings in the administrative
13 positions.

14 Q And what was the name of that manager that
15 you talked to?

16 A Bear Stevens.

17 Q And did you talk to him or did you just have
18 an e-mail exchange?

19 A I had -- I had a meeting with him, Natalie,
20 and the acting AVP. I don't remember her -- Lane, I
21 think.

22 Q What did you say?

23 A I think her last name was Lane.

24 Q Lane?

25 A Yes.

1 Q And she was the acting EVP of --

2 A The acting AVP.

3 Q AVP.

4 A Yes. Over ASD.

5 Q When did you have that meeting?

6 A February 2020.

7 Q Where was the meeting?

8 A In the DPS building. In the conference --
9 in the -- one of the conference rooms.

10 Q About how long did that meeting last?

11 A Two hours, three hours, maybe.

12 Q And it was Natalie, Bear and Ms. Lane?

13 A And Boston. Assistant manager, Boston. He
14 was just a witness.

15 THE REPORTER: Boston, B-O-S-T-O-N?

16 THE WITNESS: Correct.

17 THE REPORTER: Thank you.

18 BY MS. HARRISON:

19 Q Is that a last name or a first name?

20 A Last name.

21 Q Do you know Mr. Boston's first name?

22 A Not at all.

23 Q Who requested that meeting?

24 A I did.

25 Q What was discussed at that meeting?

1 A My request for an administrative position.
2 The complaints that some other officers were having
3 that needed to be presented to management as far as,
4 like, being unfairly scheduled at certain posts,
5 supervisors not doing their job checking on their
6 people. And then I also requested to be a shift
7 representative so that I could be a liaison between
8 management and the officers.

9 Q Did you discuss at that time your request to
10 be moved to an administrative security position?

11 A Correct.

12 Q So the topics that were discussed were your
13 request to be moved to an administrative security
14 position, your request to be a shift representative,
15 and then complaints of other officers.

16 A Correct.

17 Q Tell me what was said in regard to your
18 request to be moved to an administrative security
19 position.

20 A Bear denied there was an open spot.

21 Q Do you have any reason to believe that that
22 was inaccurate?

23 A Yes. We had one of our administrative
24 people who was deployed for COVID, was in D.C., and
25 they were using their backups to man his position.

1 Q What was that person's name? Do you know?

2 A Not off the top of my head.

3 Q Do you know if that position was posted as
4 an open position?

5 A It was not.

6 Q Do you know how long that person was
7 deployed?

8 A Until January.

9 Q Until January of 2021?

10 A '21, correct.

11 Q How did you know that?

12 A Because I asked people who were there when
13 he came back.

14 Q Who did you ask?

15 A I don't remember off the top of my head. I
16 called my old employees just to check up on them. And
17 I think it came up in one of our conversations. I
18 don't remember who it was with.

19 Q The call with your old employees, is that
20 after you were separated?

21 A Correct.

22 Q Okay. When you had the meeting in February
23 of 2020 and you were told by Bear that there was not
24 an open position, did you have a reason to believe at
25 that time that that was inaccurate?

1 A Yes.

2 Q Okay. What was your basis for that?

3 A That I knew he was off on orders. They were
4 filling that position with backups.

5 Q Okay. How did you know that?

6 A Because I knew him personally. And it was
7 well-known because they put it out in the briefing
8 that so-and-so's -- we're covering down with people.

9 Q Okay. Did you know at that point how long
10 he was deployed?

11 A No.

12 Q And you don't remember his name?

13 A I do not. I can look it up real quick.

14 Q Where would you look that up?

15 A I can try and find it in my tablet
16 somewhere.

17 Q Okay. Maybe on a break you could look for
18 it.

19 A Yeah. It should be in the information that
20 I gave for the discovery that's going to be on the
21 schedule that I provided.

22 Q On the --

23 A I provided a copy of the schedule for A
24 shift -- or for C shift that also includes the name of
25 the officers who were in that administrative security

1 spot.

2 Q Is administrative security a separate job
3 title from CSO?

4 A It is. Also CSO is a specific position
5 where that's the only spot you work. So it's a CSO,
6 but your -- your mission is confined to just the HQs.

7 THE REPORTER: So your mission is
8 confined to the what?

9 THE WITNESS: Headquarters, HQ.

10 THE REPORTER: Okay. I thought you
11 said HQ, sir. I was just making sure. Thank you.

12 THE WITNESS: You're welcome.

13 BY MS. HARRISON:

14 Q Is that a position that you would typically
15 rotate through as a CSO?

16 A No.

17 Q It's just a specific position that's
18 assigned.

19 A Yes.

20 Q Do you know how many people are assigned to
21 that on each shift?

22 A There's a total of four. Two on -- on B
23 shift, two on C shift during the normal daylight
24 hours.

25 Q Did you ask Bear about that specific person

1 being deployed?

2 A No. I didn't specifically mention him by
3 name, but I told him I knew for a fact there was an
4 opening. And he said he would look into it. And then
5 he never got back to me.

6 Q Okay. Did you ever follow up with him about
7 that?

8 A Yes.

9 Q When did you follow up with him?

10 A I e-mailed him asking about it, and he said
11 that he couldn't find it and to not e-mail people
12 about it. Because I e-mailed him and Alderman, which
13 was my supervisor at the time, as well as Natalie
14 Rossorelli. And he said, basically, stop e-mailing
15 people asking about this.

16 Q Did he say that via an e-mail?

17 A Yes.

18 Q Do you have that e-mail still?

19 A Yes.

20 Q And that's something that you've produced in
21 this lawsuit?

22 A Yes.

23 Q How much of that February 2020 meeting was
24 devoted to talking about your request to be moved to
25 the administrative security position?

1 A Probably about 30 minutes of it.

2 Q Okay. What was said in that 30 minutes?

3 A I explained to him that my posting in the
4 dock was not making very good use of my -- my skills.
5 And I was basically putting four indentations in the
6 concrete with my chair, and that I wanted to be more
7 productive, and I was requesting to be moved into an
8 administrative position where I can actually be
9 productive and earn the money I was getting paid.

10 Q And what did Bear say in response to that?

11 A He said he wasn't aware that there was an
12 opening.

13 Q Okay. And that's when you told him that you
14 thought there was an opening because of the person who
15 was deployed?

16 A I told him that I knew for a fact there was
17 an opening.

18 Q Okay. And he said he wasn't aware of that?

19 A That he would look into it.

20 Q Okay. Did Natalie speak during that part of
21 the meeting?

22 A Yes.

23 Q What did she say?

24 A She said that she's not sure if I could do
25 that position, because it might put me in a position

1 where I make a spontaneous reaction that violates my
2 restrictions and gets me hurt and gets the -- and the
3 airport is liable for it. And she brought up an
4 example that somebody that wasn't supposed to be
5 picking up something leaned over to pick up a ream of
6 paper in the office and pulled their back out and the
7 airport was liable for it.

8 Q And what did you say in response to that?
9 If anything.

10 A I said that's kind of farfetched. But --

11 Q Okay. Is that all you remember her saying?

12 A Well, she also said that they want to keep
13 me somewhere where I don't see anything, so I don't
14 react. And if they need me, they can come and get me.
15 Because I need to be somewhere where I don't see
16 anything.

17 Q Did you understand what she meant by that?

18 A Yeah. She wanted me to basically sit in the
19 closet down at the E dock.

20 Q Were you sitting in a closet at the E dock?

21 A It's a small break room. But, yes, I was
22 isolated from everybody and I was down there for eight
23 hours a day doing nothing but sitting in a chair.

24 Q Were you watching E dock at that point?

25 A I was -- we're present in case the -- we

1 have contract security that runs the docks. And if
2 they had a need for somebody, like an issue at the
3 dock, then they could come get me. Of which, we had
4 one incident there the entire time I was there.

5 Q Is that all you remember Natalie saying?

6 A That was -- that was basically it, yes.

7 Q And you said that Mr. Lane was there as
8 well?

9 A Ms. Lane, yes.

10 Q Ms. Lane, sorry. And what did Ms. Lane say,
11 if anything, with regard to the request to --

12 A I think she came in after that. I think she
13 came in for the other portion regarding the liaison
14 and the complaints. Because she was a new AVP and she
15 was running late, so we went ahead and started. And
16 she came in, like, right towards the end of it.

17 Q And did Mr. Boston say anything during --

18 A No. Boston was there the whole time.
19 Didn't speak up really at all.

20 Q Okay. At that point, was there any other
21 role that you mentioned other than administrative
22 security?

23 A No.

24 Q All right. Tell me what you discussed with
25 regard to asking to be a shift representative.

1 A It's something that I've been doing anyways.
2 Is people come to me and they have their complaints
3 and issues, and I'll bring those up to management. So
4 a lot of people, they don't want to go and discuss
5 with management because they're intimidated or
6 whatever. And I don't have that issue. You know, if
7 there's a problem, I bring it to their attention
8 because it's never going to get fixed.

9 And I basically consider myself almost like
10 a union rep kind of -- kind of thing. And that's what
11 I recommended, was that we should do it. And Lane
12 even said at the end of the meeting that she wanted
13 that to be implemented that everybody should have a
14 representative. That way you won't have everybody
15 come and try to make meetings. It's just take one
16 person, that person will set up a meeting with the
17 management, they will voice their gripes, they will
18 get answers, solutions if there are some, and they get
19 to go back to the officers and explain to them we're
20 working on it.

21 Q And is that something that happened? That
22 you became a shift representative.

23 A No.

24 Q Is that an official title that was
25 available? Shift representative.

1 A No.

2 Q And are you aware of anyone else being a
3 shift representative as a result of this meeting?

4 A No. But there used to be a panel that we
5 had when I first started working there where it was
6 two people from every shift. And we sat in, and it
7 was almost like a formalized board. We had minutes
8 and call to order and all that kind of stuff where we
9 would actually be able to present new ideas for
10 correcting policy, adding policies and all that. And
11 that lasted for about eight or nine months until the
12 -- the manager of the training department left. And
13 he was the one that oversaw it, and they just kind of
14 just let it fall.

15 Q Tell me what you discussed with regard to
16 complaints of other officers.

17 A Lack of communication from managers, lack of
18 supervisors doing their job, coming by and checking on
19 officers, being available if we need assistance for
20 answering questions. Before we fine the violation, we
21 need a supervisor to come out. And most of the issues
22 were, you know, the supervisors and management issues.

23 Q Is it fair to say that most of that meeting
24 was devoted to talking about those complaints of other
25 officers?

1 A Probably half, but yes.

2 Q Okay. So you told me that the meeting was
3 two to three hours.

4 A Right.

5 Q And you told me that about 30 minutes of it
6 was devoted to your request to be moved to the
7 administrative security position. Is that right?

8 A Right.

9 Q So what else was discussed then, if only
10 half of it was complaints of the other officers?

11 A It was Ms. Lane discussing that option with
12 the union rep and how that worked. And, you know, how
13 -- how we could design it so that it would be
14 implemented, and what kind of policies it would be in.
15 And we basically just discussed any nuances of that,
16 and my willingness to do that. And how she thought it
17 was a good idea that we could simplify the complaint
18 process. And, you know, get a funnel to take care of
19 the issues.

20 Q When you asked for this meeting, did you
21 tell Bear what you wanted to talk about?

22 A Yes.

23 Q Did Natalie stay at the meeting the entire
24 time?

25 A She left after the portion with the

1 requested administrator position.

2 Q And was Bear there for the whole meeting?

3 A Yes.

4 Q And Mr. Boston was there for the whole
5 meeting?

6 A Correct.

7 Q Did you follow up with Bear after that
8 meeting other than -- well, let me say this. You told
9 me that you followed up with him with regard to your
10 administrative assistant position. Did you follow up
11 with him or Ms. Lane about the shift representative?

12 A No.

13 Q Did you follow up with him or Ms. Lane about
14 the complaints of the other officers?

15 A No.

16 Q So the only thing you followed up with was
17 with regard to what he had found out about the
18 administrative security position. Is that right?

19 A Yes. Because he said he was going to check
20 up on it and see if -- you know, he said he wasn't
21 aware of one and he's going to find out. And so I
22 e-mailed him like a week later saying, "Any luck
23 finding an admin spot?" And that's when he responded,
24 "Stop sending people e-mails on this."

25 Q Did you ever talk to him?

1 A After that meeting?

2 Q Yes.

3 A In person, no.

4 Q Did you know anyone who was filling in for
5 the person who was deployed who was doing the
6 administrative security position?

7 A No.

8 Q How did you know about that position? That
9 it was open. Or that he had been deployed so people
10 were filling in.

11 A Because they would have put out that
12 briefing.

13 Q What briefing are you talking about?

14 A The shift briefing every morning or every
15 night, 'cause the shift starts at ten. And so we'd
16 come in and do a shift briefing, get everybody on the
17 same page, and then go.

18 Q Was that something that was verbally told to
19 you?

20 A Yes.

21 Q Okay. And what do you remember being
22 conveyed to you verbally at the shift briefing?

23 A That one of our soldiers was called up to go
24 do duty in Washington D.C. for the COVID pandemic.
25 That's the time it was coronavirus.

1 Q At the time that that was told to you in the
2 shift meeting, were you informed of how long that
3 deployment was going to last?

4 A Nobody did. There was an opening in the
5 department. It's the same as our actual AVP. He was
6 deployed for the same reason. That's why we had --
7 Ms. Lane was the acting AVP.

8 Q You don't know anybody who filled in for
9 this person who was deployed?

10 A No. They were B and C shift. I worked A
11 shift. So I don't know very many people on the other
12 shifts, because we don't see each other.

13 Q So you were on A shift you said?

14 A Yes.

15 Q Was there anyone on A shift that worked in
16 the administrative security position?

17 A There was one. Ms. Amanda Tregoning. She
18 did apply for that position and get selected. And she
19 was doing that at the time.

20 Q All right. So you talked to Sam Jones, you
21 think, about 12 times about this litigation?

22 A Correct.

23 Q How many times did you talk to Bathyaa about
24 this litigation?

25 A Probably about the same. He actually calls

1 on occasion just to see how it's coming.

2 Q When do you think is the last time you
3 talked to him?

4 A The day after I talked to Sam Jones.

5 Q Did you call him?

6 A Yes.

7 Q And why did you call him?

8 A Because Sam Jones mentioned that he had seen
9 them at the questions -- when he was getting
10 questioned by the airport.

11 Q And what did Bathya^a tell you about his
12 meeting with the airport?

13 A Same thing. That they asked him -- since he
14 had been -- he owns his own company in Sri Lanka and
15 that he was a manager. And they asked him if he
16 thought that they would accommodate me and he said
17 yes.

18 Q Did he tell you anything else about that
19 conversation?

20 A Just basically, you know, went over his
21 background. And that's about it.

22 Q Do you expect to call him to testify?

23 A Yes.

24 Q And what do you expect him to testify about
25 at trial?

1 A The same thing I just said.

2 Q Has he agreed to testify at trial?

3 A Yes.

4 Q And has Mr. Jones agreed to testify?

5 A Yes.

6 Q Is there anyone else that you -- any other
7 current employees of DFW Airport that you've talked to
8 about this lawsuit?

9 A Yes.

10 Q Who else?

11 A Rubio. I don't know his first name. And
12 Whillock.

13 Q Say it again.

14 A Whillock. W-H-I-L-L-O-C-K.

15 Q Is that a last name or a first name?

16 A Last name. Military. We just do last
17 names.

18 Q Anyone else that you've talked to that's a
19 current employee?

20 A That would be it.

21 Q Okay. What have you talked to Rubio about
22 with regard to this lawsuit?

23 A Just the status that, you know, I'm filing
24 with the EEOC. And I filed to court. We've got an
25 upcoming deposition. Actually, I don't think I even

1 told him that. I know I've told him that we've filed
2 in court. I don't think I updated him past that.
3 It's been a while since I've talked to him.

4 Q Do you expect to call Rubio to testify at
5 trial?

6 A No.

7 Q When is the last time you think you talked
8 to him about the lawsuit?

9 A Probably the day after it was filed. So the
10 28th.

11 Q And what have you spoken with Whillock about
12 with regard to this lawsuit?

13 A Just went over the basics. That he got the
14 -- April 12th is coming up, this was coming up. That
15 I filed in court. I hadn't talked to him in probably
16 six to eight months. So it was just a catching up
17 with everybody. I guess I had called just to see how
18 everybody is doing, if I still have their number and
19 if they answer. 'Cause a lot of them, they don't
20 recognize the number, 'cause they don't have me saved
21 anymore. So --

22 Q Do you expect to call Whillock to testify?

23 A He had said he wanted to. And I did put him
24 -- I did have him put on an amended witness list.

25 Q What do you expect him to testify about?

1 A The same as the other two.

2 Q Was he a supervisor of any kind?

3 A No.

4 Q So can you be a little bit more specific?

5 Because I think when we talked about Sam Jones, you
6 said that several pieces of what you thought he was
7 going to testify about had to do with what he had seen
8 other employees been given as an accommodation.

9 A Right.

10 Q So can you tell me what you expect Whillock
11 to testify about since he wasn't a supervisor?

12 A The officers, it's a small group. And we
13 all -- you know, we all do briefings in the morning.
14 We have a good idea of what's going on and within the
15 shift and other shifts. So it'd be the same thing.
16 We all were aware of certain people got special
17 privileges that other people weren't. And that he
18 knew what my restrictions were, my limitations, what
19 my injuries were from, you know, my time in the army.

20 And he was the same way. He knew that it
21 was easily something that I could do with just minor
22 accommodations.

23 Q And was he aware of anybody else that was
24 given accommodations that you weren't?

25 A Yes.

1 Q Who was that?

2 A I don't have the names. But we know -- I
3 know there was one person that they weren't put at any
4 construction gates, because they're manual gates, not
5 automated, and she wasn't strong enough to move them.
6 And they also have one person that has -- he had a DUI
7 so he's not allowed to drive Board vehicles, so they
8 don't put him on any of the vehicle patrols.

9 Q Anybody else?

10 A Those are the two I just know off the top of
11 my head.

12 Q What's the woman's name that you mentioned?

13 A I don't know the name.

14 Q And what about the person with the DUI?

15 A Like I said, I'm terrible with names. I can
16 see his face. He was on my shift, so I -- I worked
17 with him. It's just --

18 Q You mentioned that there were certain people
19 who got special privileges. What special privileges
20 are you talking about?

21 A The ones I just named.

22 Q Just those two? That's all you're talking
23 about.

24 A Yes. And also people were given the same
25 admin spot when they were on pregnancy for their time.

1 Q Are you talking about the administrative
2 security position that looks at cameras?

3 A Yes.

4 Q And people were given that when they were
5 pregnant? Is that what you said?

6 A Yes.

7 Q Who was that, that was given that?

8 A Thomas.

9 Q That's a last name; right?

10 THE REPORTER: Did you say Thomas?

11 THE WITNESS: Yeah, Thomas.

12 THE REPORTER: Thank you.

13 BY MS. HARRISON:

14 Q And do you have any idea what Thomas'
15 restrictions were?

16 A No.

17 Q Did you ever talk to her about why she was
18 put in that role?

19 A Yes.

20 Q Okay. What did she tell you?

21 A She's the one that told me that I should put
22 a request to do it for the admin position. I was at
23 Baker North with her, and she had just gotten off of
24 -- she just got back from her maternity leave. And
25 was like, you know, "You should probably put in for

1 your admin spot." Since that's what they let other
2 people do.

3 MS. HARRISON: Kimberly, can you read
4 back the question that I asked?

5 THE REPORTER: The last question?

6 MS. HARRISON: Yes, ma'am.

7 THE REPORTER: Yeah. It was -- let's
8 see. Just one second.

9 (The reporter read the record as
10 requested.)

11 MS. HARRISON: Okay. Thank you.
12 That's what I needed. Thank you.

13 THE REPORTER: Okay.

14 BY MS. HARRISON:

15 Q Did Thomas ever tell you what her
16 restrictions were?

17 A No.

18 Q Are you aware of anyone else other than
19 Thomas who was put in that admin role due to
20 restrictions?

21 A No.

22 Q And can we agree that pregnancy is not a
23 permanent restriction?

24 A Correct.

25 Q You also mentioned a woman who was not able

1 to move a gate. Is that right? Did you ever talk to
2 her about what her specific restrictions are?

3 A No. She's not -- she had no restrictions.
4 It was just a favor that the supervisor did by not
5 scheduling her there.

6 Q How do you know that?

7 A Because I talked to some of the supervisors
8 that told me about it.

9 Q Okay. What supervisors?

10 A That would be Sol Ruder, R-U-D-E-R. But it
11 was on a different shift. She wasn't on my shift. He
12 was just telling me about one of the other officers,
13 that they couldn't schedule her on the gates because
14 -- on the construction gates because she couldn't
15 physically move the gates, and they had to be manually
16 opened and closed.

17 Q And as far as you know, she doesn't have any
18 medical restrictions --

19 A Correct.

20 Q -- that are the basis for that?

21 A Correct.

22 Q And you never talked to her about it?

23 A Correct.

24 Q Is Sol Ruder her supervisor?

25 A No. He was my supervisor.

1 Q And the person with the DUI -- well, no.
2 Let me talk about the woman with the gate. So as far
3 as you know, that's the only part of her job that she
4 was allowed not to do?

5 A Right. She was purposely not scheduled at
6 construction gates because she said she could not
7 physically move the gates.

8 Q As far as you know, she could do all the
9 other job duties involved in her job?

10 A Yes.

11 Q And do you know the name of the person who
12 had the DUI?

13 A No. But he was on my shift, and he was
14 never scheduled to do any of the driving because he
15 was not authorized by Board policy to drive any Board
16 vehicles with a DUI.

17 Q And as far as you know, that's the only part
18 of his job that he was not doing?

19 A Correct.

20 Q Are there any former employees at the board
21 that you've talked to about this lawsuit?

22 A No.

23 Q Have you talked to Mr. Ruder about this
24 lawsuit?

25 A No.

1 Q Has Mr. Jones or Bathyaa given you any
2 documentation related to this lawsuit?

3 A No.

4 Q Have you given them any documentation?

5 A No.

6 Q What about Rubio and Whillock? Have they
7 given you any documentation related to this lawsuit?

8 A No. I'd like to make a correction. Bathyaa
9 and Sam Jones, I did give them a copy of my request
10 for reasonable accommodations form that I submitted in
11 July. That was the basis for the August 25th
12 conference.

13 Q When did you give that to Sam Jones?

14 A The same day I submitted it to the -- Tim
15 Richardson, that Matrix.

16 Q And when did you give it to Bathyaa?

17 A The same time.

18 Q Did you give it to them together or
19 separately?

20 A Separately.

21 Q And why did you give your accommodation
22 request to Sam Jones?

23 A So they can look over it and tell me what
24 they thought of it and if it was doable. I had them
25 basically review it before I gave it in to Sam Jones

1 to -- to Tim Richardson to make sure it was something
2 that was going to be able to be accommodated.

3 Q The restrictions that were in your
4 accommodation request, weren't those things that your
5 physician had ordered?

6 A Yes. He consulted with me and we discussed
7 it together to determine what limitations I had. And
8 based on my experience with the job, we made it very
9 specific and narrowminded so that it would be very
10 easy to implement.

11 Q And when you were talking to Sam Jones --
12 well, let me -- did you talk to Sam Jones about the
13 restrictions that you were submitting as part of your
14 accommodation request?

15 A Yes.

16 Q Did you talk to him before your doctor wrote
17 down those restrictions?

18 A No. I went over it with him before -- right
19 before I submitted it.

20 Q And what did Sam Jones tell you? If
21 anything.

22 A He said, "That sounds good. It should be
23 easy to do."

24 Q And Sam Jones was a supervisor, but not your
25 supervisor. Do I have that right?

1 A Correct. He was -- he was on the same shift
2 as me. Sometimes he was over me, depending on what
3 day it was. If my actual direct wasn't in, and he was
4 in. But he wasn't my radar or supervisor. But he was
5 also hired -- he was originally -- he was one of the
6 first 40 people that were hired when the STA was
7 created in 2002.

8 Q Did you talk to your supervisor about the
9 restrictions?

10 A No.

11 Q Why did you talk to Sam Jones instead of
12 your supervisor?

13 A 'Cause I don't have the private number to my
14 supervisors. Like Ruder, I don't have the number for.
15 And then Kai Hardin, if you call her not at work, she
16 won't answer. And she tells you to not call her.
17 It's her personal time. She doesn't want you to
18 bother her.

19 Q Is Sam Jones the only person in a
20 supervisory role that you talked to about your
21 restrictions before you submitted them to Matrix?

22 A Yes.

23 Q And why Sam Jones? Why not some other
24 supervisor?

25 A Because he's the one that I could get a hold

1 of.

2 Q Okay. And what about Bathyaa? Why did you
3 submit or share your restrictions with Bathyaa before
4 you submitted them to Matrix?

5 A 'Cause he was in the second batch of new
6 hires when they -- the ASD, when they first created
7 it. So those were two of the people that got the most
8 seniority out of the entire department.

9 Q But explain to me how that --

10 A Because I wanted to ensure that my requests
11 were going to be able to be accommodated because I
12 wanted to stay in my job and do it. I loved the job.
13 This was my dream job. And I didn't want to do
14 anything that was going to prevent me from continuing
15 to do that job.

16 Q Was Bathyaa a supervisor?

17 A No.

18 Q He's a coworker.

19 A Correct.

20 Q And what, if anything, did he say about your
21 proposed restrictions?

22 A He said it looks pretty simple.

23 MS. HARRISON: I think we've been on
24 the record about an hour now. Would you like to take
25 a break?

1 MR. DAUPHINOT: Yes, let's.

2 MS. HARRISON: Okay. Let's take a
3 break.

4 THE REPORTER: Okay. The time now is
5 12:02 p.m. and we are off the record.

6 (Off the record.)

7 THE REPORTER: The time now is
8 12:15 p.m. We are back on the record.

9 BY MS. HARRISON:

10 Q Mr. King, have you spoken to any of your
11 friends regarding this lawsuit?

12 A Sad to say I've named all my friends.

13 Q Okay.

14 A And I found the name for that officer that
15 was deployed. His last name was Cruz, C-R-U-Z.

16 Q Thank you.

17 A No problem.

18 Q So would it be correct, then, to say that
19 there are no friends of yours other than people that
20 you've named already that you expect to call as
21 witnesses?

22 A Other than Whillock, who wanted to be
23 included. And then supervisor Carter, current
24 employee, also mentioned that she wanted to testify as
25 well.

1 Q What's Carter's first name?

2 A No idea.

3 MS. HARRISON: I'm sorry, Kimberly.

4 What did you say?

5 THE REPORTER: I thought I heard him
6 say the first name, but he didn't. So you were asking
7 the question.

8 THE WITNESS: Supervisor.

9 BY MS. HARRISON:

10 Q Supervisor Carter. Okay. Was Carter your
11 supervisor?

12 A No.

13 Q What shift did Carter supervise?

14 A I don't even know. I don't know. I didn't
15 know who she was, but she contacted my wife saying
16 that, "I know information that would be useful." And
17 so she said she wanted to be a witness.

18 Q Have you talked to her?

19 A I have met her once. That was, like, about
20 two weeks ago when I would stop by at the -- the
21 airport.

22 Q Have you talked to her other than when you
23 met her two weeks ago?

24 A No.

25 Q What is it that you expect her to testify

1 about?

2 A She said she knows other instances of people
3 getting, you know, unfavorable treatment. And she
4 knew that I did not and that she wanted to take part.

5 Q Did she tell you about any of those
6 instances?

7 A I haven't talked to her except for meeting
8 her and saying hi.

9 Q So has she told you about those instances?

10 A She informed my wife. She said that she
11 knew stuff that was going on that would be relevant.

12 Q What did she tell your wife?

13 A That's what she told her.

14 Q She didn't tell your wife any specific
15 names?

16 A No. Not that I gathered.

17 Q So you've only talked to her one time?

18 A Correct.

19 Q Do you know how many times your wife has
20 talked to her?

21 A I think she comes by and sees her in the
22 office every couple of days just to say hi and talk to
23 her.

24 Q Do your wife and Ms. Carter have a
25 relationship outside of work?

1 A I think it's getting there. Like, we're
2 supposed to be going over to their house on -- you
3 know, we're supposed to go over there on Friday for
4 the first time for me to, like, meet her family.
5 Other than that, we've never associated with her
6 outside of work.

7 Q And it's your testimony that Garter reached
8 out to your wife?

9 A Correct.

10 Q Unprompted by you or your wife.

11 A Yes.

12 Q Okay. Do you know when that was?

13 A Two months ago.

14 Q Do you know how many times your wife has
15 talked to her about this lawsuit?

16 A No. No idea.

17 Q Has she provided any documentation to your
18 wife?

19 A No.

20 Q Do you expect to call your wife to testify?

21 A Yes.

22 Q What do you expect your wife to testify
23 about?

24 A The entire situation from the beginning all
25 the way to the end. She was part of the whole

1 situation. She was my other half. She assisted me in
2 -- the whole way.

3 Q Is she aware of anyone that she believes was
4 given an accommodation that you were not?

5 A Yes.

6 Q Who?

7 A I don't know a name, but he broke his hand.
8 And he was actually assigned to her compliance
9 department to do just paperwork.

10 Q And did his hand heal?

11 A Yes.

12 Q And was he moved back to his other position?

13 A Correct.

14 Q Anyone else that she's aware of that you
15 know of?

16 A Not that I'm aware of. Not that I can think
17 of, no.

18 Q And your wife was involved in the meeting on
19 August 25th?

20 A She was present, but she did not take part.

21 Q So she didn't speak at all?

22 A Not in the meeting, no.

23 Q Is your wife a supervisor at --

24 A She is an MP3.

25 Q What does that mean?

1 A Manager, but it's below assistant manager.

2 Q Do you know what her title is? Is that her
3 title?

4 A Compliance analyst.

5 Q Does MP3 figure in her title in some way?

6 A No, that's just the payroll coding the
7 airport uses.

8 Q And it's your understanding that is some
9 sort of supervisory role?

10 A Yes. It's -- M is management position 3.

11 Q How many people does she supervise?

12 A She doesn't supervise any. It's just a
13 management position without actually being a manager.
14 It's just how the airport does it. I don't know why.

15 Q Okay. So she doesn't actually supervise
16 anyone?

17 A Correct.

18 Q Has she ever supervised anyone at the
19 airport?

20 A No.

21 Q Has she been involved in any accommodation
22 requests for employees at the airport?

23 A No.

24 Q Do you keep a journal or a diary?

25 A No.

1 Q Do you have any notes that you've kept?

2 A No.

3 Q Do you have a calendar that you keep that
4 has meetings or dates on it related to this lawsuit?

5 A No.

6 Q And you don't have any handwritten notes
7 related to this lawsuit?

8 A No.

9 Q Have you ever filed an EEOC charge against
10 any other employers?

11 A No.

12 Q Do you believe that any of your prior
13 employers retaliated against you for any reason?

14 A No.

15 Q How did you come to work at DFW --

16 THE REPORTER: I'm sorry. I'm sorry.

17 MS. HARRISON: Yeah.

18 THE REPORTER: I got confused. Did
19 counsel object or did I hear Mr. King's answer was no?

20 MS. HARRISON: Mr. King's answer was
21 no.

22 THE REPORTER: Thank you very much. I
23 apologize.

24 BY MS. HARRISON:

25 Q How did you come to work for DFW Airport?

1 A I applied on the online portal.

2 Q Had you applied for any other jobs with DFW
3 before you got the CSO position?

4 A Yes.

5 Q What other types of jobs had you applied
6 for?

7 A Numerous other jobs from parking to
8 administrative positions. Just whatever caught my eye
9 at the time.

10 Q I'm going to hand you what we're going to
11 mark as Exhibit 2. This is something that you
12 produced in this lawsuit. Do you recognize this?

13 (Exhibit 2 was marked for
14 identification.)

15 A Yes.

16 Q Tell me what this is.

17 A This is a screenshot of my online portal for
18 job applications.

19 Q Is this something that you -- do you think
20 this accurately reflects the jobs that you've applied
21 for at DFW Airport?

22 A Yes. The ones I applied for through the
23 portal. Absolutely. They're all saved on this.
24 Stored on their servers permanently.

25 Q Okay. So if we look at page 1 of this

1 exhibit, we see that you applied in November of 2015
2 for a civilian security officer position. Do you see
3 that?

4 A Correct.

5 Q And then under that, it says multiple job
6 applications. November 24th of 2015. Do you see
7 that?

8 A Yes.

9 Q Do you remember what those multiple
10 positions were that you submitted for at that point?

11 A I do not. But I know one of them was
12 civilian security officer again. Because I do
13 remember that very keenly. And that I applied for the
14 same position twice, and then I got the call. And
15 then I was like, so I'm telling people when they apply
16 that if you don't get an answer -- if you don't get
17 called in a week, just apply for the same position
18 again. They'll call you.

19 Q Did you get a call after you submitted the
20 application for terminal relations coordinator?
21 That's the first job you had applied for.

22 A No.

23 Q What about occupancy management specialist?

24 A No.

25 Q And it looks like you applied for civilian

1 security officer on August 26th of 2015. Do you see
2 that?

3 A Correct.

4 Q And did you get a call related to that
5 application?

6 A No.

7 Q What about administrative assistant 2 in
8 public safety? Did you get a call related to that?

9 A No.

10 Q What about administrative assistant 2 for
11 DFW energy, transportation, and asset management? Did
12 you get a call related to that?

13 A No.

14 Q The next job you applied for was access
15 control trusted agent in the public safety department.
16 Did you get a call related to that?

17 A No.

18 Q And then the first civilian security officer
19 position that you applied for was on November 15th.
20 Is that correct?

21 A Correct.

22 Q And then you believe you applied for another
23 one in the line with multiple job applications on
24 November 24th?

25 A Yes.

1 Q Do you know which position that you call in
2 relation to?

3 A That's security officer. I applied for the
4 exact same one, 'cause it even said, "You've already
5 applied to this. Do you wish to continue?" And I
6 said yes.

7 Q Do you remember who called you in relation
8 to that application?

9 A Mora.

10 Q And was that a recruiter?

11 A That was one of the hiring people for DFW.

12 Q You don't know what that person's position
13 was?

14 A No.

15 Q All right. And was that a phone interview?
16 Or what happened in that initial call?

17 A Yes, it was a phone interview.

18 Q And then what was your next contact related
19 to the CSO position?

20 A I was brought in for a face-to-face
21 interview.

22 Q Do you remember who you interviewed with?

23 A He was the training manager. He's no longer
24 there. He works for one of the cargo companies on the
25 airport now, head of security. Same one that did the

1 -- the board thing that we did. I don't recall his
2 name. But he was a fellow UTA grad. And that's
3 basically what the interview was.

4 Is like, "Hey man." He's like, "Hey,
5 alumni." Like, "What?" He's like, "Hey," blah-blah-
6 blah. You know, all we talked about was the
7 supervisor positions and that you're qualified. And
8 we never discussed the job at all. It was just a
9 friendly, "Hi, you're a UTA alumni." So --

10 Q Did you interview with anyone else?

11 A Yes.

12 Q Who else did you --

13 A I then went to with Sibley, Mojo [ph], who
14 was the AVP at the time. I know somebody that should
15 be familiar with that name. It's very infamous in
16 DFW. And we did -- did an interview with him. And
17 Sibley ended up being one of my trainers when I was in
18 the army when I went to AIT, which is the tech school
19 after basic. He was -- that was -- I was his last
20 class. So we talked about that.

21 And then Mojo [ph] went over a few parts
22 about, you know, "Why do you want to work at the
23 airport? Why is security important?" And that was
24 it. It was probably ten minutes.

25 Q Were each of those interviews back-to-back

1 or were they all in the same room at the same time?

2 A They were back-to-back, different rooms.

3 Q What was your next contact from the airport
4 after the interviews?

5 A I was just got home and was pulling my keys
6 out to unlock the door and the phone rang and they
7 were offering me the job.

8 Q Do you know who it was that called to offer
9 you the job?

10 A I do not.

11 Q And did you accept immediately?

12 A Yes.

13 Q Had you been applying for other jobs in this
14 August 2015 to November 2015 timeframe?

15 A Just at the airport.

16 Q You weren't applying to work anywhere else?

17 A I think I was doing the -- what is it?
18 Usajobs.gov. I was trying to work through that, but
19 it takes forever. But, yeah, other than that, I
20 applied at the airport.

21 Q Okay. You mentioned earlier that the
22 airport is where you wanted to work. Why is that?

23 A Because I grew up at the airport. My dad is
24 retired Delta. And we moved down here when Delta
25 started operations when I was six months old.

1 Basically, grew up here. I used to go -- I mean, I
2 used to go to work with my dad. And he was here when
3 they opened the new satellite. And he was head of
4 maintenance at the satellite. And I was there for the
5 opening ceremony. I was there for both expansions on
6 the Delta hangar, now Hangar 5.

7 When they doubled it, and then doubled it
8 again, I was there. We did family things -- family
9 days there at the hangar all the time. I used to come
10 to ride the old tram just for fun. Just come in the
11 middle of the night and ride it. And then I also --
12 that was my -- the old observation area, which is on
13 the south side, what they eliminated when they built
14 the runway 7 and they had to do a taxiway.

15 It was right in that corner of the taxiway
16 that comes back into the -- the bypass taxiway. And
17 it used to be gravel parking lot. And that's where I
18 would take my dates for the end of the date. We'd go
19 there and you'd see all the lights for the runways,
20 and the planes, and you'd pull into the parking lot,
21 and you'd just sit out there on the hood of the car
22 and watch the planes and look at the lights, and see
23 the police driving by. You know, before there was --
24 this was barely '90s.

25 And they'd be driving by, and I'm like, "I

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1 want to do that." I'm like 16 saying, "That's what's
2 I want to do. That's what I want to do." I want to
3 -- I love -- you know, I've been around aircraft my
4 whole life. My dad, you know, being a mechanic --
5 that's what I -- you know, I've been -- you know, like
6 I said, I got the -- had to -- my last job before
7 joining the army was at the airport at UPS. And then
8 even before that, I worked for Evergreen doing the
9 interterminal baggage transfer.

10 You know, we had to drive the bags around.
11 That was before we even had all the fancy gates now
12 where you just walked up and -- you drove up, scanned
13 your own badge and drove through. And the contract
14 guy was just reading the magazine. You know, it's
15 just been my dream to work there. I've always wanted
16 to do it. And when I got this job and I realized I'm
17 going to be doing those parameter patrols, you know,
18 and I get to drive around --

19 I mean, I flooded my Facebook with just all
20 the pictures of all the aircraft, 'cause you get to
21 drive on the AOA. Oh, it's nice. And then with the
22 tram being -- and I actually came here right after
23 9/11 when they were driving their reserves with the
24 rifles, riding the tram. And I got caught talking to
25 him 'cause I was still -- I was stationed at Fort Polk

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1 in Louisiana. And got talking to him and found out
2 the assistant -- emptied magazine, didn't have ammo.
3 I was like, wow, that's -- but your presence, it looks
4 like it. But then they got rid of that. So the only
5 way you could ride the Skylink is to have a ticket.

6 I don't fly very often. I love that I live
7 here since -- you know, I left to join the military,
8 went all over the place, came back, and this is the
9 place that I love. And so then I get to ride the
10 Skylink. And it's just the most amazing view of the
11 aircraft. And then I get to walk around the terminals
12 and look at the aircrafts through the windows. I
13 mean, I got hundreds and hundreds of pictures. I got
14 more pictures of planes than I do of my own kid. It's
15 kind of sad.

16 But, yeah, I mean, this is just the job that
17 has been my dream since I was 16. So -- probably even
18 before that. But I just remember 16 going, "I want to
19 do that," watching the officer drive the fence.

20 Q So your dad worked for Delta or he worked
21 for the airport?

22 A He worked for Delta.

23 Q He was a mechanic?

24 A Correct.

25 Q Have you ever tried to enter the police

1 force?

2 A I considered it when I got out of the
3 military in 2004. But it was -- they were still, you
4 know, doing some of the EMS, combination fire
5 department, all that kind of stuff. And I was like,
6 that's a little bit excessive for me. And so I -- I
7 applied for Beford police. And I actually did their
8 physical evaluation, passed that, and then went and
9 got the practice test for the exam. And I didn't
10 have --

11 Me and the desk sergeant disagreed on some
12 of the specifics on that exam that I thought the
13 answer they gave was wrong. And they said, "No.
14 That's the right the answer." You know it's wrong,
15 and you're supposed to get that when you do the test.
16 And it's a question where you get called into a scene
17 for breaking and entering by the homeowner.

18 You arrive on the scene and a person comes
19 between the two houses wearing a bathrobe and tells
20 you, "I'm the homeowner and I'm the one that called
21 you." What do you do? And the correct answer was,
22 that's the homeowner and I made contact with the
23 person who made the call. And my answer was no, I
24 don't know who that guy is from Joe Shmoe [ph]. He
25 could -- I mean, who knows if that dude, the B&E, was

1 not an insane person wearing a bathrobe. From the
2 description, I don't know who that is. I need to
3 identify him, detain him, and then make sure we know
4 who he is before I make assumptions like that.

5 And that's when I said nope. And that's
6 when I was just like, okay, I'm not cut out for police
7 work. Because if that's what the test is going to be,
8 I'm not going to deal with that.

9 Q So what did you think was going to be
10 different about being a civilian security officer from
11 being a police officer?

12 A It's complete night and day. I mean, it's a
13 totally different aspect. Police deal, you know, with
14 criminal offenses. And -- and they're armed. And,
15 you know, they -- they have a whole lot larger
16 responsibility. And it's larger, but it's very
17 specific, whereas security is over here to the side.
18 You deal with stuff, but you know what it comes down
19 to. You're going to call the police when, you know,
20 stuff goes bad.

21 Whereas, police, you are the person that's
22 called. So it's just -- it's completely -- you work
23 hand in hand. We're like eyes and ears for them. But
24 when it comes down to dealing with what they deal
25 with, we don't have anything as close.

1 Q So did you shift, then, your job search off
2 of being a police officer and onto being a security
3 officer?

4 A When I got out of the military, it was after
5 I didn't manage the police officer thing, I went into
6 the wheel repair. And that was a friend of mine from
7 an online car forum, before there was Facebook. It
8 was where he worked. And he was an engineer. He
9 designed custom wheels. And he was like, "You can
10 come drive for us," 'cause I love driving. That's my
11 other hobby.

12 So he got me the job at Wheels America. I
13 walked in and the whole interview was, "Do you know
14 how to drive a stick?" "Yes, I do." "All right.
15 You're hired. Start today." It's like, "Okay."
16 So --

17 Q When you decided what you were going to get
18 your degree in at UTA, had you changed your focus,
19 then, from being a police officer and working at the
20 airport to some other career path?

21 A My focus for the way I tailored my degree,
22 which is why I did the criminal justice minor and the
23 organizational communication, is I wanted to be a
24 civilian liaison for APD. To work with police, but
25 not be police. You know, 'cause they have civilian

1 boards that do oversight on police actions and stuff
2 like that, and that's what I wanted to do.

3 Q APD, meaning Arlington?

4 A Arlington Police, yes.

5 Q Okay. And so when you got your degree, did
6 you pursue that?

7 A Yes, but they didn't have any openings at
8 the time. And that's when I was applying. I applied
9 and got the seasonal at UPS. And then I was applying
10 at USA Jobs because I had just gotten my 50 percent
11 rating disability from the VA which gives me a bonus
12 when it comes to applying for jobs. I was also
13 applying for the Postal Service and then I was
14 applying at the airport.

15 Q And so that would have all been in 2015
16 after you got your degree?

17 A Correct.

18 Q And did you have interviews for any of those
19 other jobs that you applied for?

20 A I interviewed numerous times for the Postal
21 Service. And every time they said, "Hey, we're going
22 to put you in for it." And then I never got the call
23 to come in. And I actually interviewed at the -- the
24 sorting facility in North Fort Worth off of 35. And
25 got interviewed three times for three different jobs

1 by the exact same person. And the first thing he said
2 was -- on the second one was, "Why aren't you working
3 here already? I put you in for being hired." It's
4 like, "I never got the call."

5 And so he's like, "Well, okay. We don't
6 need an interview. We already did it." And then
7 another week, I showed up again. He's like, "Why are
8 you not getting hired?" I'm like, "I don't know. I
9 have no idea." And my mother-in-law was actually now
10 retired Postal Service. She was an auditor. And she
11 asked around and they were like, "We don't know why
12 he's not getting hired."

13 So it's one of those mysteries, like, I
14 don't know how I didn't get -- I mean, I go to a
15 position and they say there's three openings and two
16 people applied. I'm like, how did I not get the job.
17 So --

18 Q Do you remember when you began working at
19 the airport? What day was it?

20 A The 8th of February. And I was --
21 originally we had to wait for the academy to start.
22 It was two weeks out. They had just -- they were just
23 in the process of the second class, and I was going to
24 be the third class. And I was assigned to Lowry as my
25 FTO, who is now a supervisor. And I got to ride

1 around with him for two weeks driving around the
2 airport and stuff. Basically, showing me, you know,
3 what they do.

4 And then when the two weeks was up, it was
5 me, Finney, and Singer were all three hired on the
6 same date. But I was the first one called, so I got
7 the seniority. Then we went into the academy, and we
8 were the three. You know, everybody else had been
9 hired after us. And so then we did the academy. And
10 that's where I met Boston. Boston was hired the same
11 time as I was, around the same time. But he was after
12 me. And Hannah. I bet she knows that name, too.
13 Sorry.

14 Q How long did the academy last?

15 A It was one month, four weeks.

16 Q And once you were done with the academy --
17 well, let me ask you, did the academy involve mostly
18 deskwork or was there also a physical component to it?

19 A It was mostly deskwork, but they did take us
20 out like two days where it was the tour of the
21 airport. And, you know, you had -- the first day,
22 they went out and kind of showed you everything. The
23 second day was, can you find it? And I was the one
24 everybody wanted to be in the vehicle with me, 'cause
25 I knew where everything was, 'cause I basically grew

1 up around the airport. So they're like, "Oh, take us
2 here." "Okay. Let's go."

3 So everybody was like -- and so they were
4 like, "You can't tell them. They have to know."
5 Okay. So they'd get lost and be like, "Turn left
6 here."

7 Q Did you have any physical limitations when
8 you started working at the airport?

9 A Yes.

10 Q What were they?

11 A I had knee and hip issues, during my FTO
12 phase when I was with Carlton. 'Cause he was doing a
13 Fitbit challenge where he wanted to do -- he was doing
14 a Fitbit challenge with one of the other trainers or
15 one of the other people, can't remember her name. But
16 she moved to customer experience, and she's one of
17 their supervisors now. But I don't remember her name.

18 But her and Carlton were doing a Fitbit
19 challenge and this is when we were on eight-hour
20 shifts. And we were doing 20,000 steps in a shift.
21 And I had to miss half a day and the next day because
22 my knee and my hip -- like, we were walking. And
23 Carlton was like, "Why are you limping?" Like, 'cause
24 my hip and my knee are about to give out. And he was
25 like, "Well, why didn't you say something?" I was

1 like, "I did several times." I was like, "Can we sit
2 down? Can we take the Skylink."

3 He said, "I don't take the Skylink." Like,
4 "Well, maybe I need to take the Skylink because I need
5 to have a break because you're walking me to death."
6 And I actually complained that to Burton, who was the
7 training -- one of the trainers at the time. And I
8 explained that to him. I told him, "Look, I'm a
9 disabled vet. I have bad knees, bad hip, bad back.
10 You know, and I understand that there is walking for
11 this job, but not a Fitbit challenge 20,000 steps
12 walking. That's kind of excessive."

13 And he's like, "Okay. We'll talk to Carlton
14 about it." And then Sibley mentioned to me, "Hey, you
15 should put in for FMLA, or short-term, to get, you
16 know -- so you can have this -- you can go on leave or
17 whatever so you're not, you know, having too many
18 issues." But I hadn't been there for six months, so I
19 didn't qualify. And he actually came out when I was
20 with Alderman at Charlie -- at Charlie South or David
21 South. The vendor screening came.

22 I actually was there and then Sibley showed
23 up to tell me that himself. He's like, "Hey, we put
24 it in, but you haven't been here long enough. So, you
25 know, you can't really do anything." I was like,

1 "Okay."

2 Q Did you apply for that or did they apply for
3 it on your behalf?

4 A I -- Sibley told me about it and then I said
5 okay, yeah, that's what I want to do.

6 Q And then you actually applied for it?

7 A No. He -- he asked about if I qualified for
8 it. And he contacted whoever he contacted and then he
9 came back a couple days later saying, "Yeah, you don't
10 qualify. You haven't been here for long. So, you
11 haven't been here for six months."

12 Q And so you don't think that you put in an
13 application for that?

14 A No, I did not. I just informed him that I
15 had the issues.

16 Q Did you at that time ask for any
17 accommodations related to those issues?

18 A I just asked to be taken off of Carlton's,
19 which was, by that time, it was already over 'cause I
20 switched to Alderman. So the issue was already
21 solved.

22 Q So did you ask to be taken off or was it
23 already solved?

24 A I asked, but they didn't have any other
25 FTOs. And they told him, "Carlton, stop doing your

1 Fitbit challenge," and he did. He threw a fit. He
2 yelled at me in the office, in D, the D terminal
3 office, for a little while. And after that, we
4 basically weren't talking. We were just walking
5 together.

6 And then he made it -- it was one of those,
7 "Well, I'll walk the connectors, and you could take
8 the Skylink." I'm like, cool. That's fine with me.
9 I'll do that. And so I would ride the Skylink and he
10 walked the connectors. So he can get his Fitbit
11 challenge in, and I could actually pull security on
12 the Skylink, like you're supposed to do.

13 Q So when did you get transferred?

14 A Each FTO was two weeks long. So I did -- I
15 did DJ first -- well, before the academy I had Mike
16 Lowry. And then I had the academy. And then I had
17 DJ, and he was A shift. Then I had Carlton, and he
18 was B shift. And then I had Alderman, and he was C
19 shift.

20 Q So it wasn't that you were asked to be
21 transferred, it's just that you were going through
22 this rotation of being assigned to different FTOs.

23 A Correct. But this was like three days in
24 when he busted my knee and my hip and I was
25 requesting, you know, something to be done about it.

1 And their solution was, you know, let him do -- he
2 won't -- he can't drag you along for the Fitbit
3 challenge.

4 Q Okay. Other than the Fitbit challenge, did
5 you have any part of the job that you couldn't do as a
6 result of your knee and hip?

7 A No.

8 Q Can you explain to me, once you got out of
9 that training phase -- well, tell me if I have this
10 wrong. But it sounds like you were in the academy and
11 then you went through a rotation of being assigned to
12 different FTOs. Is that right?

13 A Correct.

14 Q So once that was over, then where were you
15 assigned to?

16 A I was on A shift.

17 Q On A shift. And were you just a CSO on A
18 shift?

19 A Correct.

20 Q Okay. And what did you do as a CSO on A
21 shift.

22 A Walk the terminals, work gates, and do
23 vehicle patrols.

24 Q Did you do that on your own or did you have
25 somebody else that you were typically assigned with?

1 A It depends on -- random assign. Some gates
2 are solo. The rover is solo. If you're doing
3 perimeters, it's a two person, and you're on terminal.
4 More often than not, you're by yourself before we
5 bumped up under Mojo [ph]. We only had like 100-
6 something officers and somebody -- you know, to cover
7 all three shifts, somebody had to have like 30 or 40
8 people on shift.

9 Q So there was 30 or 40 people on a shift you
10 said. Is that right?

11 A Correct.

12 Q And it just depended on what you were
13 assigned to that day whether you were working with
14 somebody else or by yourself?

15 A Yeah. It's all random based on the
16 schedule.

17 Q And in a typical week, would you do the same
18 thing every day or would it be random every day?

19 A Every day is random. You moved around.
20 You'd be gate one day, terminal the next day, rover
21 the next day. You know -- you know, it was just, you
22 didn't have any say. You didn't know. You know, you
23 knew where you were going to be, and that's where you
24 came in. Sometimes if somebody called off, you'd get
25 moved. But you had to come in every day and expect to

1 be at any one of those spots.

2 Q And when you were working in those spots,
3 did you ever have any trouble doing your job? Any
4 physical limitations.

5 A Occasionally, if -- I might have. You know,
6 I had pain while doing it, but I just pushed through.
7 And they put some really -- it didn't get to be an
8 issue to where it was something that caused problems
9 all the time and it was something that made me have to
10 go home and just dope myself up on pain meds. I'd
11 probably miss the next day because I couldn't get out
12 of bed. Was not until they added the portals.

13 Q The portals?

14 A The portals, which is the screening for
15 employees. And that's where they added bag checks and
16 person checks and everything else basically like they
17 do for TSA. And that's where I started having issues
18 is because they were having us constantly stand up and
19 sit down. Every time anybody walked up, you had to
20 stand up because it looks professional. You got to
21 stand up. While you're doing that over and over and
22 over again that whole day or the whole night, you
23 know, it started -- it would start bothering my hips.

24 I mean, there were days that I had to have
25 people help me get up to get out to my car. And

1 that's why I was requesting that I could remain seated
2 for face-to-face interactions at the portal.

3 Q Okay. We'll get to your accommodation
4 requests a little bit later.

5 A Okay.

6 Q But when do you believe it was that the
7 portals were added?

8 A The very day that it was released in the
9 press that the FBI had arrested a bunch of American
10 Airlines and other employees for smuggling drugs
11 through the portals.

12 Q Do you remember when that was?

13 A I do not, but I could Google it.

14 Q Do you remember what year it was?

15 A It's like 2018.

16 Q And so would the employee portals be
17 something that you were assigned to randomly, it just
18 depended on what you were assigned to that day?

19 A That was added to the -- to the list, just
20 like the other three.

21 Q So it was not necessarily something you did
22 every day, it was just one of those tasks that you
23 might be assigned to. How often do you think you
24 worked the employee portals?

25 A Twice a week. Just like about the same as

1 the other positions.

2 Q How long were your shifts?

3 A They were eight hours, and then they got
4 changed to ten hours.

5 Q When did they get changed to ten hours?

6 A And there was a period in there where they
7 actually had it separated between gates and terminals.
8 And at that point, I was on gates. And everybody --
9 so you knew you were gate. And then there was a
10 terminal section. They all did the terminals. And
11 that was before the portals. When the portals hit,
12 they didn't have the manpower to keep us divided, so
13 they put us all together so they could put people at
14 the -- everyone at the portals.

15 Q If you were assigned to something on a
16 particular shift, would you continue to do that task?
17 Like if you were assigned to the portals that day,
18 would you stay on portals?

19 A Yes.

20 Q Okay. So if you were assigned to perimeter,
21 then you would typically stay on perimeter that day.

22 A Correct.

23 Q And is that how it worked for all the CSOs?

24 A Yes.

25 Q And that was your only role at DFW Airport;

1 right? Was being a CSO.

2 A Correct.

3 Q I'm going to hand you what we're going to
4 mark as Exhibit 3. This is the description for
5 civilian security officer. Have you seen this before?

6 (Exhibit 3 was marked for
7 identification.)

8 A Absolutely.

9 Q Did you see this before you were hired?

10 A No.

11 Q Did you see it when you were hired?

12 A No.

13 Q When do you think the first time is that you
14 saw this?

15 A Probably just bored on the computer looking
16 through stuff on the computer and going, hey, job
17 descriptions, and started reading stuff.

18 Q When you read this, was there anything that
19 you recall thinking that you couldn't do?

20 A No.

21 Q Do you think this is an accurate
22 representation of what a civilian security officer
23 does at DFW?

24 A For the portals mostly. But, of course, it
25 has the -- it has whatever else is -- "Provide a

1 variety of additional duties within the Department of
2 Public safety to include staging of assets -- special
3 events security, and other duties as assigned," is a
4 catchall phrase. So basically, it means everything.

5 Q Right. And that's number 15 under principal
6 duties and responsibilities.

7 A Correct. And that's where the portals would
8 come in because they didn't have a policy for almost a
9 year and a half.

10 Q If you look at the section that starts on
11 the first page of Exhibit 3 that says principal duties
12 and responsibilities, does that look like what your
13 principal duties and responsibilities were, other than
14 what you just mentioned?

15 A Yeah.

16 Q I want to look at number 1. This says,
17 "Inspects all vehicles attempting to enter through
18 AOA," and AOA being air operations areas, is that
19 right?

20 A Yeah. Aircraft operations area.

21 Q Okay. "Ensuring that each vehicle possesses
22 a valid DFW Airport-based AOA decal and that all
23 individuals possess a current/valid DFW International
24 Airport Board Security Identification Display Area,
25 SIDA badge, inspect cab area of vehicles, and inspects

1 vehicles underneath and in additional areas as
2 necessary and appropriate." Is that something that
3 you did as a CSO?

4 A Absolutely.

5 Q Okay. How often would you do that?

6 A I mean, depends on what case you're at.
7 Sometimes you'd be at five vehicles a night if you're,
8 you know, at Southwest freight. And then other times
9 if you're at Charlie South before they -- somebody
10 crashed into it, you would get 150 vehicles. So --

11 Q And so is this one of those things that you
12 would only do when you were assigned on that shift to
13 do vehicle inspections?

14 A It was if you're assigned to the -- assigned
15 to the gate, you would do that. Or it depends. If it
16 was a two-man gate, somebody would take the badge and
17 -- and check the badge, scan the badge, and then do
18 the interior search. And then the other person would
19 do the walkaround, confirm the stickers in front and
20 rear, and make sure there's no -- no suspicious
21 looking items underneath or in the back of the
22 vehicle.

23 Q How would you physically do an interior
24 search? Can you walk me through that?

25 A You would look through the windows as you

1 walk around. And if you were checking the ID, you
2 just look in and check the cab where the two front
3 people are. And then if you're on the walkaround,
4 then you would just walk around while looking in
5 through the vehicle. And then while you're walking,
6 you would lean over, or you would use the mirrors that
7 -- provided to check underneath for the underneath the
8 vehicle.

9 Q So the way that you did an interior search
10 was just to look in the vehicle?

11 A Yes. We were doing an inspection, not a
12 search. So we don't open anything. We visually
13 check.

14 Q Okay. And the person that was doing the
15 perimeter of the vehicle, how was that different?

16 A The perimeter, we'd do the walkaround and be
17 looking in the vehicle as well. You don't open
18 anything, 'cause that would be considered a search.
19 We're not authorized to do a search legally. We have
20 to do an inspection. So we can visually look. And if
21 we see anything that's out of place or whatever, we
22 can be like, hey, what's that? And then we can
23 determine if that's going to deny entry or not.

24 Q And when you were looking underneath the
25 vehicle, how would you accomplish that?

1 A Step back from it and lean down just a
2 little bit -- like this. As long as you're about six
3 to eight feet back, you can see clearly under the
4 vehicle.

5 Q So you didn't have to get down on your hands
6 and knees?

7 A Oh, no. If it was an issue, then they also
8 had the mirrors on the sticks you could slide up
9 underneath.

10 Q When you were stationed at a gate, is there
11 somewhere where you sat down?

12 A Yes. Every -- had a booth. And typically
13 the booth had a computer in it as well, so you could
14 access escort lists or whatever and also watch
15 YouTube.

16 Q Also watch YouTube you said?

17 A Yes.

18 Q Okay. So you would inspect each vehicle
19 that came in if you were on the gate. Is that right?

20 A Yes.

21 Q And how did you verify that the individual
22 had proper credentials?

23 A You would do a face visualization
24 verification by looking at the -- the ID on the
25 picture on the side badge, confirming with the driver.

1 And my test was always you did the spacing between the
2 eyes and the nose frame, and that's a pretty easy way
3 to identify if that's the correct person. And then
4 you would turn around, scan it. If it scanned green,
5 you're good.

6 If it scanned red, then you would call up --
7 you call up operations, and they would confirm if the
8 badge was good or no good. Because sometimes you get
9 a red because the side of the badge, the magnet itself
10 is faulty. And so you would still have access, but it
11 wouldn't scan green. And then at that point, after
12 you get it cleared, say you can go through the gate
13 and give him back his badge.

14 Q And how frequently would you be assigned to
15 a gate in a week?

16 A One or two times a week.

17 Q What else besides vehicle inspections would
18 you do when you were working a gate?

19 A We also had vendor screening, which is where
20 you had the larger trucks coming through and you had
21 to actually climb up into the back and visually make
22 sure there's no open boxes with -- 'cause all the
23 boxes that come through vendor screening are supposed
24 to be sealed. And no open boxes or any other people
25 hiding in the back or illicit cargo, anything like

1 that. You look through from the back end of the
2 truck, and you do your best to try to visualize, see
3 what's in there.

4 Q So you open the back of the truck?

5 A They did.

6 Q The vendor did?

7 A Yes. And they all had lift gates. So we'd
8 just ride the lift gate up, and then go, okay.

9 Q And then you walk into the truck and look?

10 A No. Typically, the load was all the way to
11 -- to the edge. So you couldn't actually go in. You
12 would just stay on the lift gate, and you'd shine your
13 flashlight in, and then do your best to see if there's
14 anything in there. And that was all you could do.

15 Q Were there times when there was more than
16 just the cargo at the end of the truck?

17 A No. I never had any -- any violations that
18 had to deal with the cargo at all.

19 Q Okay. And did you also inspect underneath
20 the trucks?

21 A Yes.

22 Q And would that be done the same way that you
23 described earlier?

24 A Exactly. Well, they're even easier because
25 they're all 18-wheelers and the -- the bottom of the

1 truck is about waist high and, you know, higher.

2 So --

3 Q And did you also inspect the cab of the
4 truck?

5 A Yes. And those we actually would climb into
6 the truck and then open up the glovebox, you know,
7 like that.

8 Q Okay. How often would you inspect a truck
9 when you were working on a gate?

10 A You mean like vendor screening?

11 Q Vendor screening, yes.

12 A That was not a very common -- I mean, you
13 get that maybe once every week or -- every two or
14 three weeks. So -- because it's one gate out of the
15 eight, nine gates that we manned, plus you had
16 terminals. So, I mean, you could get everything
17 rotated. And you didn't get Davis South very often.

18 Q Davis South?

19 A Yes, that's the vendor screening gate.

20 Q And what you just described, the way that
21 you inspected the vendor trucks, is that something
22 that all the CSOs would do?

23 A Yes.

24 Q And do you think that that's the same
25 frequency for everyone? You only get assigned to

1 Davis South every few weeks?

2 A Right.

3 Q When you were assigned to Davis South, how
4 often would you have trucks coming through? Vendor
5 trucks.

6 A The first 45 minutes we'd typically have
7 anywhere from 10 to 15 trucks coming through, not all
8 of them semis. A lot of them were like the little
9 itty bitty -- like the smallest U-Hauls you can get,
10 like would come through. But then we get about 10 to
11 15 depending on the day of the week. And then after
12 that, you would get -- trying to remember. We'd have
13 one vehicle that would come in around like three or
14 four o'clock and that was it.

15 Q How many people would usually be assigned to
16 that gate on Davis?

17 A It's a two-man post absolutely.

18 Q Okay. And when you were assigned to Davis
19 South, would you have one person that was doing the
20 perimeter of the vehicle inspection and one person
21 that was doing the cab inspection or did that vary per
22 shift?

23 A It varied. But generally what would happen
24 is one person would get the IDs, verify them, hand
25 them to the other guy to do the scan, climb into the

1 cab when the crew members -- when the driver and the
2 passenger got out. And they would come around, they
3 would stand in the middle of the island away from the
4 vehicle. And then the one officer would watch them
5 while the other officer did the cab, and then would
6 get around and walk around the back.

7 And then you would rotate. Like, "Hey, I
8 want to do the -- I want to do the cab." "Okay."
9 Whatever.

10 Q Would it ever happen that one person would
11 never have to get into the cab?

12 A If they didn't want to, no.

13 Q Okay. Did you ever ask the other officer
14 that you were working with to -- did you ever say,
15 "Hey, I don't want to get in the cab today"?

16 A No. Absolutely not.

17 Q Okay. I want to look at Exhibit 3 again.
18 Number 2 says, "Perform terminal security patrols of
19 areas including but not limited to sterile areas,
20 employee portals, Skylink stations, baggage claim
21 areas, parking garages, curbside and terminal ramp
22 areas." Do you see that?

23 A Yeah.

24 Q Is that something that you would be assigned
25 to do on a specific shift or is that something that

1 would be more spread across all the different shift
2 that you might be on?

3 A All shifts perform and -- but if it's a
4 specific task, you can get perimeter, is what they
5 call it. And you would just track the perimeter, the
6 fence line, inside, outside, making sure that all the
7 gates had chains on them. That fences weren't
8 damaged, they weren't leaning over, there weren't
9 holes cut in them, the barbed wire was in-tact.

10 Q Is that perhaps more number 3 what you're
11 describing now?

12 A No.

13 Q No? Okay.

14 A Well, it could. But typically the rover was
15 the person that went from gate to gate to gate to
16 gate. And basically bathroom breaks, do you need
17 something to eat, do you need to go take the vehicle
18 to go to the terminal because you need to do
19 something, or whatever. It was just basically you
20 rove around, and you were just -- you were the gopher.

21 Q Okay. So terminal security patrol. What
22 would you do when you're doing terminal security
23 patrol? Or is that not a specific task?

24 A No. No. You're right. You're right. The
25 terminal security is not the vehicle. I'm sorry. I

1 got that confused. That's for when you're inside the
2 terminal and you're just walking both sterile and
3 secure side. And you just -- you would walk, you
4 would check -- for my shift, because the gates were
5 closed, you would have to check each door to make sure
6 it was locked so they couldn't gain access to the
7 aircraft that were parked on the -- on the segway.

8 And then you'd walk and just make sure
9 people weren't leaving their bags unattended,
10 answering questions, basically interacting with the
11 customers, you know, the passengers, whenever you
12 wanted to or whenever they wanted to. Just -- it was
13 basically a courtesy patrol. Just walk around seeing
14 how you're doing and then checking doors, make sure
15 they're locked. And then you'd go to the outside and
16 you'd just basically walk and look for anything
17 suspicious. You know, eyes and ears for the police.

18 Q So would you pretty much just walk the
19 entire shift when you were doing that?

20 A It was walk as far as you feel like it, sit
21 for as long as you want. When you're not -- you know,
22 when you're done, sit and walk somewhere. So -- and I
23 could walk from one -- I could do an entire sweep of
24 one side from the other in less than 45 minutes. And
25 it's about a mile. They're a half-mile long, but

1 they're half-circles. So it's almost a full mile from
2 one end to the other.

3 Q What might happen that would make that
4 longer than 45 minutes?

5 A If I had stopped by a customer or had an
6 unattended bag that I had to call in, which means you
7 basically stop and sit down and just watch the bag and
8 see, you know -- first you'd ask, "Anybody know whose
9 bag this is?" And if everybody is like, "Oh, no. I
10 have no idea," then you would call PD on the radio,
11 and you would sit down and just watch the bag and tell
12 people, "Stay away from the bag. We don't know what's
13 up with that." And that was it.

14 And then basically, you know, you would stop
15 and talk to a couple of the passengers on numerous
16 occasions that would just sit down and talk to them.
17 I mean, they're there when I -- too. So --

18 Q And then it says employee portals on number
19 2; right? Is that the employee portal that we were
20 talking about earlier in your deposition?

21 A Yes.

22 Q What would you do when you were stationed at
23 an employee portal?

24 A Originally we weren't doing employee
25 portals. But when they added the portals, they did --

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1 you would basically do bag searches, ID checks, and
2 then we had installed scanners that were like not
3 quite X-ray machines, but you'd walk through and they
4 detect any -- any metal items or any large items.
5 That would mean you do like a pat down. And you'd
6 have to do the back of your hands and stuff like that.

7 Sort of -- it was similar like TSA, but it
8 was for the employees. And it was -- it depends on
9 what --

10 THE REPORTER: I'm sorry. This is the
11 reporter. The audio has frozen. I'm going to take us
12 off the record. The time now is 1:06 p.m. and we're
13 off the record.

14 (Off the record.)

15 THE REPORTER: The time now is
16 1:10 p.m. We are back on the record.

17 BY MS. HARRISON:

18 Q All right. Mr. King, I believe before we
19 lost connection you were talking about what you would
20 do when you were assigned to an employee portal. And
21 so I think that you were saying also that you would
22 potentially have to pat employees down.

23 A Yes.

24 Q Okay. And it's essentially like a TSA
25 screening area, but for employees. Is that right?

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1 A Correct.

2 Q So would you have to lift bags?

3 A Typically they were -- we were given,
4 originally when we first started, it was nothing but
5 chairs. So they'd provide us with holding metal
6 chair, and we had to search bags on that. And then
7 they eventually got the same carts like TSA uses for
8 their random portal checks as well. And they would --
9 you know, they come through the portal and then they
10 put the bag down on the -- the rolling table in front
11 of you. And then you --

12 I would say, I would have them open it and
13 say, "Hey, unzip that. Okay. Open this." And then I
14 would, you know, do it, look in, and if I couldn't see
15 the bottom, then I would have them, "Hey, pull this
16 out for me. And pull this out for me." I didn't want
17 to touch their stuff. I'm not going to stick my hands
18 in there because we already -- we had one person
19 actually got stuck by a needle. It was a sewing
20 needle, but they still got stuck by a needle.

21 And that's when they were like, okay, nobody
22 put your hands in bags. And, you know, so we did that
23 with every pocket. Opened everything and made sure
24 everything that they're bringing was authorized to be
25 bringing into security. And then I'd have them put

1 everything back in and zip it back up.

2 Q Okay. And was that the same when you were
3 in sterile areas?

4 A Yeah. That was in a sterile side. Because
5 at that point -- we did it on the sterile side because
6 at that point they violated the -- violated the FAA
7 regulations when they carried in an unauthorized item
8 into the sterile side. They can't say, "Well, I
9 didn't mean to," because, you know, you're already too
10 late and you're already across the line. So at that
11 point, we would call police and they would be escorted
12 out.

13 And they would get -- they could be anywhere
14 from, you know, depending on the severity of it, they
15 could be arrested, charged, lose their privileges,
16 you'd lose the badge, it depends. I mean, you would
17 have people bringing in guns that forgot they were in
18 their bag. So --

19 Q What did you do in order to restrain a
20 person while you waited for police?

21 A We were not allowed to lay hands on anybody.

22 Q Okay. Did you ever have anyone run?

23 A You follow them. And you have your radio.
24 You keep advised with the MCR. That's who you call.
25 That's the acronym, but that's the master control

1 room. That's where all the cameras are for the
2 airport. And you'd be on the radio with them. "Hey,
3 they're now passing, you know, heading south terminal
4 D going past gate 32."

5 Q And when that happened, was the person
6 running, were they walking?

7 A Some would run, some would walk. I only had
8 one that walked. I didn't have one that ran. But
9 that was the only time I ran into anybody doing it.
10 So --

11 Q And you stay with them until the police show
12 up?

13 A You just keep following them until the
14 police show up or until the MCR says, "I got them on
15 camera. I'm following them. You're good." And then
16 at that point they can direct police to show what part
17 they're going to come out of. Because there's only
18 limited access and exit points from the airport.
19 So --

20 Q So that could have happened at any time that
21 you were working an employee portal?

22 A Correct.

23 Q It just happened once, as far as you
24 remember.

25 A Yes.

1 Q Did it happen with other CSOs where they had
2 to chase after someone?

3 A Well, you wouldn't chase. You'd just walk.
4 I mean, you could see -- 'cause they don't want us --
5 you know, we're not supposed to pursue them. But we
6 just stay where we can see them. So they don't want
7 us chasing people, technically. They just want us to
8 continue to watch them so that we can tell police
9 where they are.

10 We can -- we give them -- we give them a
11 description over the radio as well. And MCR will pick
12 up on them. And MCR, they have cameras everywhere.
13 They'd know where you'd hide.

14 Q So if the person took off running, you
15 weren't supposed to take off running?

16 A Absolutely not.

17 Q You were supposed to walk behind them?

18 A And if they got out of sight, they got out
19 of sight. You should give them a description.

20 Q Anything else that you've had to do when you
21 were working the employee portal?

22 A Just the bag searches. And that was the --
23 that was where the issue came, was that 90 percent of
24 the time you were stuck with a chair. And trying to
25 lean over and search a bag while it's on the chair is

1 what -- you know, was one of the things that I was
2 asking for a taller table to get rid of that issue.

3 Q Didn't you say, though, that they had a cart
4 that they brought in?

5 A Yes. But like I said, 90 percent of the
6 time, that was the Maltos guy got it. 'Cause they
7 only had one cart. And then you were just stuck
8 dealing with the chair. And most of the time you
9 would be like, if it was not busy, then Maltos guy
10 would do it. If we got busy, you had to help out or
11 you had to line back up. And so you would have to get
12 a chair. The chair typically you were just sitting on
13 waiting for somebody to come through. When it gets
14 busy, you would have to put the bag in that folding
15 chair you were sitting on and search it.

16 Q What is Maltos?

17 A Maltos is the contract security agents.
18 They are now Allied.

19 Q Okay. So I'm trying to understand. Was
20 that just you and one Maltos security person at each
21 portal?

22 A Yes.

23 Q And the Maltos guy or gal was supposed to be
24 the one that was looking through the bags primarily?

25 A Yes.

1 Q And you would only do that if they were
2 backed up and you needed to assist?

3 A We would do it, you know, basically
4 friendly. You know, like, "Hey, I'll take it. I'll
5 do the bag searches and you, you know, can do this or
6 go work the scanner." And so, I mean, we rotate.
7 You'd compromise. You'd work with this person, do
8 that. You'd work with this person, they had a way
9 they wanted to do it. And so as long as you got the
10 job done, the job was done. That's all that mattered.

11 Q So it would only be sometimes that you had
12 to put the bags on the chairs.

13 A When it got busy, which is most of the
14 portals, especially in the morning between, you know,
15 from like 4:30 till 6 when you got off shift or 7,
16 when they worked tens. It would be slammed. You
17 would be getting, you know, a line of people and you
18 were always helping out. 'Cause those people, if you
19 didn't, they would complain, because they're going to
20 do labor work.

21 Q So when there was a table, you could use the
22 table if the Maltos person wasn't using the table?

23 A Correct.

24 Q Anything else that you did when you worked
25 the employee portals?

1 A The other issue was the one when you were at
2 the front before they came into the portals, when it
3 was a no bag portal. Originally you would, you know,
4 if somebody came up you would be like, "Hey, no
5 problem. Let me see your badge," blah-blah-blah, and
6 you'd stay seated. It wasn't an issue. And then they
7 changed it saying, oh, you got to stand because it's
8 professional.

9 Well, when you're at night you get a guy
10 who comes and then you get one person done. And then
11 you sit down and then immediately here comes another
12 one. You got to stand back up. Another person. They
13 don't just come in a line and, like -- for 30 minutes
14 or for shift change. So you're working at portal from
15 9 or 10 all the way till 4:30 and you're getting one,
16 two, one every couple minutes, another one, another
17 one, another one.

18 And I was just like, I can't constantly up,
19 down, up, down, up, down, up down, up, down. Like,
20 can I just sit down? That's another request, was not
21 to have to stand for every face-to-face interaction.

22 Q Okay. So I appreciate you telling me that.
23 Thank you. Right now I'm not trying to -- I'm not
24 asking about your accommodation requests. I'm just
25 asking about what the job duties were at those various

1 positions.

2 A Okay.

3 Q Okay. So that was one of the job duties.
4 You had to be outside of the portal, and you had to
5 look at people and verify their badges before they
6 came in?

7 A Correct.

8 Q Okay. And that required standing and
9 sitting?

10 A Yes.

11 Q Okay. Anything else that you would do if
12 you were assigned to an employee portal?

13 A That was it.

14 Q Okay. Thank you. What about Skylink
15 stations? What would you do when you were assigned to
16 a Skylink station?

17 A You didn't get assigned to a Skylink
18 station. It was just part of your patrol when you're
19 on the secured side. You would just go through the
20 Skylink station, same thing just like any other area.
21 You were looking for bags, seeing if passengers needed
22 any assistance. So just the entire terminal, all of
23 those little separate baggage areas. All that and
24 just -- just observing. Looking for unattended bags,
25 suspicious activities. People who were lost. So --

1 Q So that would be more part of what you were
2 doing if you were patrolling on foot?

3 A Yes, that's our foot patrol.

4 Q Okay. And same thing, then, with baggage
5 claim. That was part of a foot patrol?

6 A Yes. Yes. They did require -- we had to do
7 -- for each shift, we had to do a sweep of the sterile
8 and a sweep of the public side. So that was it.
9 After that, if you did more than that, good. But they
10 only mandated that you had to do one and one.

11 Q So what else would you do when you were on a
12 foot patrol shift?

13 A That's it. Check the doors, walk around for
14 unattended bags, talk to the passengers.

15 Q And that was either an eight-or-ten-hour
16 shift?

17 A Correct.

18 Q And so in an eight-or-ten-hour shift, you
19 only had to sweep the interior and the exterior once
20 each?

21 A Yes.

22 Q So what would you do the rest of the time?

23 A Keep doing it. Just keep walking and
24 checking on the passengers. And, you know, oftentimes
25 you get the ones that are stranded overnight. They

1 don't want to sleep in the chairs, so you go try to
2 chase down a customer experience person so you can get
3 a cot for them. Do all that kind of stuff.

4 And, you know, just sit down and talk to
5 them. Basically, be a person, just, you know, "I'm
6 stuck here. You're stuck here. Let's have a
7 conversation." You know, let's just be friendly and
8 just let the -- let the time pass by. And, you know,
9 show them that, hey, if you get up on Google you can
10 put in your flight number to tell you what gate, what
11 time.

12 And you want to -- especially for American,
13 they like to change the flights like an hour prior to
14 the departure time and they don't let you know. So
15 you're sitting at one gate and then you find out, oh,
16 it's at the other terminal. And I used to -- you
17 know, so I would always sit down and be like, "Hey, I
18 know your flight. Yeah. It's still from this gate."
19 So I'm checking by that hour prior.

20 So just -- yeah. Got to do some customer
21 experience, customer service as well as security.

22 Q Did you do anything with regard to the
23 parking garages when you --

24 A No.

25 Q -- were on foot patrol?

1 A Absolutely not. We were not allowed to go
2 to the parking garages, nor were we allowed to use the
3 stairwells, the fire exit stairwells, or go down to
4 the DART station.

5 Q Okay. So with regard to Exhibit No. 3, item
6 number 2, where it says, "Perform security patrols,"
7 one of the items listed is parking garages. Are you
8 saying that you never patrolled the parking --

9 A We were not allowed to because of the
10 homeless.

11 THE REPORTER: I'm sorry, sir. I'm
12 sorry. I didn't hear his answer. Mr. King, I know
13 you know where she's going with her questions. But
14 I'm going to have to ask you to just allow her to
15 finish, because there's a delay on my end and I'm
16 getting a little overlap. So --

17 THE WITNESS: I apologize.

18 THE REPORTER: Okay. I'm sorry. I
19 didn't hear your -- I heard that you said,
20 "Absolutely. We were not allowed to use the parking
21 garages, use the stairwells, the fire exit, and then
22 or go down in dark --" and I didn't hear the rest.

23 THE WITNESS: The DART Rail. It's
24 where the Dart Rail connects to the terminal.

25 THE REPORTER: DART. DART Rail. Thank

1 you. Okay. Sorry, counsel. I just want to make sure
2 I get you a good record here.

3 MS. HARRISON: I appreciate that.
4 Thank you.

5 THE REPORTER: Thank you.

6 MS. HARRISON: Are you ready to
7 proceed?

8 THE REPORTER: Yes, ma'am.

9 MS. HARRISON: Okay.

10 BY MS. HARRISON:

11 Q So it's your testimony that you never
12 patrolled the parking garages.

13 A Absolutely.

14 Q Is that for the entire time that you
15 worked --

16 A Never. Not even once.

17 Q Okay. Make sure you let me finish first
18 before you answer. Okay.

19 THE REPORTER: Thank you.

20 BY MS. HARRISON:

21 Q The next item listed is curbside and
22 terminal ramp areas. Did you patrol curbside areas?

23 A Yes.

24 Q Okay. And that would be part of your
25 walking foot patrol?

1 A Correct.

2 Q And what about terminal ramps? Would you
3 patrol that while you were on your walking foot
4 patrol?

5 A We went to curbside or -- 'cause we didn't
6 ever go into the jetways, which might be the ramp.
7 That's -- we did go down into the airline areas. But
8 we never actually would go out into the tarmac where
9 the aircraft were, 'cause we didn't have any need to
10 be out there. So --

11 Q Okay. Were you done? Sorry.

12 A Yeah. Sorry. Yeah.

13 Q And what you just described, would that be
14 the same for all CSOs?

15 A Correct.

16 Q I want to look at number 3 on Exhibit 3.
17 This is, "Performing roving security patrols of areas
18 including but not limited to AOA fence line and gates,
19 cargo and hangar areas, airport Board buildings, and
20 critical infrastructure sites." Do you see that?

21 A Yes.

22 Q Is that something that you would do on foot
23 or in a vehicle?

24 A That's in a vehicle.

25 Q Okay. Explain to me what you would do when

1 you were on a shift that involved number 3.

2 A You would take one of the vehicle -- DFW ASD
3 vehicles, and you would either -- you know, if you
4 were on perimeter, then you would drive the perimeter.
5 But inside or outside of the fence to ensure that the
6 fence is intact and that there wasn't any issues that
7 needed to be fixed. And then we would check to make
8 sure all that gates that weren't being in operation
9 were locked and secured. And for perimeter, that was
10 all you did.

11 You drove around that, you check all the
12 gates around both sides of the airport. Sometimes you
13 would get half and half because they would have extra
14 people. So they would have an east side and a west
15 side, and so you'd only do half of the airport. And
16 then after that, you pretty much would just go do
17 whatever you wanted. As long as you didn't leave the
18 airport property.

19 Q So you'd have an eight-or-ten-hour shift
20 where you were assigned to do the perimeter in the
21 vehicle. Is that right?

22 A Correct.

23 Q And how many times would you drive the
24 perimeter in that shift?

25 A You would only do it once.

1 Q And what would you do the rest of your
2 shift?

3 A You would go by and see your friends at some
4 of the gates, you'd go to the terminals, see your
5 friends at the terminals, you would go use the
6 computer. So it was pretty much you wouldn't really
7 do much at all. You -- it was maybe an hour and a
8 half, two hours to do it. And that's if you had both
9 sides. And then after that, you just -- you know,
10 they just told you don't leave the airport.

11 Q So you just got to do whatever you wanted
12 the rest of that shift? Okay. When you were doing
13 the perimeter, you mentioned having to make sure that
14 gates were locked. Did that involve getting out of
15 the vehicle?

16 A If it was difficult to see. Because
17 typically you could pull up to it and hit your
18 spotlight and you could see it. But if you couldn't
19 visually confirm it, then, yeah, you would get out and
20 go over there and actually shake the lock or whatever.
21 So -- but a lot of them, they were obvious, because
22 they had a metal bar going across and they'd have the
23 big padlock right there and you could tell it was
24 definitely secure. You would just back up and go to
25 the next one.

1 Q Was there anything you had to get out of the
2 vehicle for on a consistent basis when you were on one
3 of those shifts?

4 A If you were doing the -- the rover, the
5 gopher, then you would get out and go check every
6 gate. Be like, "Hey, do you need anything? Do you
7 need a bathroom break? Do you want to go to the
8 terminal and walk around and stretch your legs?" Or
9 whatever. And then, you know, so that was -- I would
10 check the gates every two to three hours and do a
11 whole swing. It'd normally take me about half an hour
12 to hit all of them. And then I'd go sit -- go to the
13 -- the old HQ, when it was back where HR is.

14 And go over there and talk to the
15 supervisors or at, you know, the new DFW and would go
16 talk to the supervisors there. We'd go hang out with
17 a friend at one of the gates and help them do the
18 gate.

19 Q That's when you were doing a rover shift?

20 A Yes.

21 Q Okay. When you were just doing a vehicle
22 patrol shift, is that different from a rover shift?

23 A Yes. The perimeter does the fence line, and
24 then they're done. The rovers have to constantly go
25 around and check on every gate to make sure they have

1 everything they need. They don't need, like -- you
2 know, they don't need toilet paper in the bathrooms,
3 they don't need hand sanitizer, or anything like that.
4 And just, you know, the want to do a bathroom break --

5 'Cause originally, they had Porta Potties.
6 And not everybody wanted to use the Porta Potties, so
7 you'd say, "Hey, take the vehicle and go to the
8 terminal and use it."

9 Q Where are these people stationed? Were they
10 outside? Is that what you're talking about, people
11 with the Porta Potty access?

12 A They're at the actual AOA gates.

13 Q Okay. So how often would you be assigned to
14 a shift where you were doing perimeter?

15 A Same amount as like the vendor screening.
16 You didn't get it very often. Two to three times a
17 week -- two -- two -- or once every two to three
18 weeks. Because, you know, you got added in. It was
19 like 30-something, like 27 total to post. And so you
20 got to rotate that through every month.

21 Q All right. So when you were doing a rover
22 shift, how often would you be assigned to a rover
23 shift?

24 A The same.

25 Q Okay. So when you say there were 27 posts,

1 does that take into account that there were -- we
2 talked earlier about being assigned to the gates. So
3 there would be a different, one or two gates at every
4 terminal. Is that part of the 27 posts, for example?

5 A There's -- you got one, two, three, four --
6 there's only four of them at the terminals. And then
7 you would go outside. We had -- west freight and we
8 had Southwest freight. So you'd have like six or
9 seven depending. Sometimes we'd open an extra gate.
10 Like if we're -- sometimes they would open Baker South
11 and they'd have Charlie -- you know, when Charlie
12 South closed, we had to open up an extra gate, 'cause
13 it was the main gate.

14 So they had east, south was open for a
15 little while. But I'm just guesstimating. But
16 there's about a total of, you know, when you include
17 portals, the terminals, and each gate, there's about
18 20-something, 27, almost 30 different posts you could
19 have that's just randomly given out to people.

20 Q Okay. And that's what I was trying to
21 understand. Is there might be an AOA gate on one
22 terminal and if there was, sounds like you were
23 describing, maybe five to eight different gate
24 assignments you could have. But that's all part of
25 the 27 to 30 posts that there might be.

1 A Correct.

2 Q And then as part of that 27 to 30 posts,
3 there's also multiple different locations you could be
4 on employee screening. Is that right?

5 A Right.

6 Q And then you might be on a rover one shift
7 where you might be on perimeter or patrol. Is that
8 right?

9 A Correct.

10 Q Okay. And every CSO was assigned just a
11 rotation of some kind among all those shifts. There
12 wasn't anybody that just did one of those duties. Is
13 that right?

14 A Correct.

15 Q I want to go back to number 3. This says
16 that you were doing patrols of AOA fence line and
17 gates. I think we talked about that. Cargo and
18 hangar areas. What would you be inspecting in cargo
19 and hangar areas?

20 A You'd look to make sure they're not having a
21 -- a straight through from the public side into the
22 AOA. Because the cargo buildings have the cargo doors
23 on both sides, and you got to make sure that they
24 don't have one that's open to the public at the same
25 as one that's open to the other side without being

1 watched. And so basically, you'd drive through the
2 cargo areas, you look for an open door. And if you
3 see an open door, then you'd basically stop, get out.
4 And you'd look inside the cargo area and see, A, is
5 there another door open today, or, B, if there is, is
6 there somebody watching this door or stopping you?

7 And if you see that there's access to the
8 AOA, then you are supposed to start walking to the AOA
9 and see if anybody stops you. And if you make it to
10 the AOA, then that's a violation. And you call
11 police, and they have to do a report.

12 Q So would that just involve getting out of
13 the car and walking?

14 A Yes.

15 Q Any other physical activity that might
16 involve?

17 A No.

18 Q How often would you have to do that on a
19 shift?

20 A It wasn't very often. It was, you know,
21 they'd get fined every time. Like, 10,000 is the
22 minimum. So they -- they pretty much don't do it very
23 often. I've -- I think all together, I mean, I've
24 probably done it maybe two dozen times the entire time
25 I was there.

1 Q And was that part of your perimeter patrol?

2 A Correct.

3 Q And then the next item listed in number 3 is
4 airport Board buildings. What would you do with
5 regard to inspecting airport Board buildings?

6 A Drove around the -- the DFW HQ. Just drove
7 around the outside of it and would go. That was it.

8 Q And what were you looking for when you did
9 that?

10 A Anybody standing around. If any doors were
11 broken or anything like that.

12 Q And if you saw somebody standing around,
13 what were you supposed to do?

14 A See what they were doing.

15 Q Like, get out of the car and talk to them
16 or --

17 A Roll up. "Hey, man. How are you doing?
18 You all right? You need any help?" And it's a lot of
19 the times, "Oh, I just got off work." "Okay. Cool."
20 You know, they're not trying to break in. It's public
21 property. Public area, they can do whatever they
22 want.

23 Q Okay. And then critical infrastructure
24 sites. What were you looking for when you drove past
25 one of those?

1 A That was the oncourse sites, which are like
2 the -- the Transformers. The big -- they're fenced
3 in. They have all the power systems and stuff. We
4 used to check those. And it's just basically making
5 sure that the fences are -- or there's, you know,
6 nobody snuck into them or cut open the fence to try to
7 get in to sabotage them or whatever. It's critical
8 infrastructure for power for the airport.

9 So we used to do that, but then they took it
10 off because they -- we found out it wasn't something
11 we were supposed to be doing anymore. They canceled
12 it like a year ago and they just never told us. So --

13 Q Would that just be a vehicle inspection --

14 A Yes.

15 Q -- from the vehicle?

16 A Yes. It's basically like checking the AOA
17 gates. Drive up, hit the spotlight, is the padlock
18 there? Okay. We're done.

19 Q Okay. Number 11 on Exhibit 3 says,
20 "Coordinates with police services and other Board
21 departments on traffic management at terminals and
22 emergent areas through the airport." Is that
23 something that you would do on a specific shift?

24 A As needed. Like, depends. You'd get there
25 and sometimes traffic would be backed up 'cause they

1 scheduled all their flights to land at the same time.
2 And you basically just go out there and just try to
3 tell people you can't stop into lane number 2. You
4 have to go into the parking garage to park, and then
5 you can pick up your passenger. And basically just,
6 you know -- basically tell them to keep moving, keep
7 moving. And then stopping people so they can let
8 people off the curb to get into the flow of traffic
9 and stuff like that.

10 It didn't happen very often, but when it
11 did, I mean, the rushes last like 10, 15 minutes and
12 that's it.

13 Q What type of shift assignment would that be
14 where you might have to do traffic management?

15 A Terminals.

16 Q Okay. This next part says, "And emergent
17 areas throughout the airport." Do you know what that
18 means?

19 A I'm assuming if there's any type of
20 emergency. Like, even if it's, like, unfortunately,
21 you know, one of the things we have to think about
22 being at the airport is an airplane crash. And at
23 that point, we run the assembly area for all the
24 emergency response vehicles.

25 Q Number 15 we talked about a little bit

1 earlier. But the one thing I want to ask about this
2 is, this says, "Provides a variety of additional
3 duties within the Department of Public Safety," and
4 then it lists a couple things. One of them is
5 emergency response. What types of things would you
6 have to do if you were providing emergency response?

7 A It was just like I mentioned before where if
8 there was an airplane accident then we would set up
9 the assembly area for all the fire trucks and police
10 and ambulances. They all go there first. They don't
11 just go straight to the scene 'cause that's how you
12 get accidents like in San Francisco where you run
13 somebody over.

14 The fire trucks obviously go in first. But
15 all the other outside responders that come in from
16 Grapevine and whatever, they all go to the assembly
17 area where they are logged in. Then the fire chief or
18 the incident commander will say, "Send in this
19 vehicle." Then we would go out there and tell them
20 go. And then we'd give them -- we'd have cards that
21 we gave and stuff like that.

22 Q What's involved in setting that up?

23 A Just a board with a bunch of pockets on a
24 board. Like a -- like an easel, but it's got pockets
25 on it where we put the paper. And we just write it

1 down to that. Put it in the pocket under whatever it
2 was, and they we'd go to the vehicle, and come back
3 in. And we'd kind of guide the vehicle and tell them
4 where to park. That's about it. So it's just
5 basically parking lot organization.

6 Q Okay. What about special events security
7 and support? What would that involve?

8 A No idea. Never had it.

9 Q Okay. I want to look now at the third page
10 of Exhibit 3 that says efforts. Bullet point number 2
11 says, "Climbs into, out of, and searches under
12 vehicles." Did we talk about that with regard --
13 well, let me restart that question. Is that something
14 that you would have done primarily when you were
15 working gates?

16 A Yes.

17 Q Is there any other shift where you would
18 have been climbing into or out of or searching
19 vehicles?

20 A No. That's the only time we ever deal with
21 vehicles is at the AOA gates.

22 Q Perhaps, say, when you were on a rover
23 shift?

24 A You would never deal with a vehicle unless
25 you were stopped to help somebody that was working the

1 gate.

2 Q So when you were doing a rover shift, would
3 you ever relieve anyone at a gate for a break?

4 A Yes.

5 Q Okay. So that might be --

6 A Yes.

7 Q -- time when that might happen. The third
8 bullet point is, "Works in awkward positions such as
9 kneeling, stooping, or squatting." Do you see that?

10 A Yes.

11 Q Is that something that you would do
12 intermittently throughout a shift?

13 A Correct.

14 Q Okay. When would you be kneeling on a
15 shift?

16 A I don't think I've ever actually kneeled. I
17 can't think of a single time I actually got down on a
18 knee.

19 Q Okay. Is it potentially something you'd
20 need to do with regard to a vehicle inspection?

21 A No. You just walk a little farther back,
22 you can look completely under the vehicle. I can't
23 think of any time -- I mean, I wouldn't get my knees
24 dirty.

25 Q Okay. Is it something that you ever saw

1 anybody do with regard to a vehicle inspection?

2 A No, I can't. I can't recall ever seeing
3 anybody do it.

4 Q Okay. What about stooping? Is that
5 something you would do to pick up a bag, perhaps, or
6 do a pat down of an employee at an employee portal?

7 A It depends on if he was short. Because you
8 would only do pat downs on pocket areas, because
9 that's where you can typically have stuff. So it's
10 going to be mostly around the waist, if not, over.
11 Because that's where people are going to carry stuff.
12 And then, again, we didn't pick up bags. I let them
13 do that.

14 We'd typically try to do as much hands off
15 on the bags as possible. The only time, really, as
16 far as -- would be the leaning over to look into the
17 bag. Never. That's -- that's probably the only time.
18 I mean, other than just the kind of leaning over to
19 look under the vehicle when you're backed up from it
20 to check underneath.

21 Q So when you would pat somebody down, you
22 would never pat down their leg, go down to their
23 ankle?

24 A No. It wasn't a full pat down. The scanner
25 detects the abnormalities on the body where there is

1 something that shouldn't be. And it's automatically
2 programmed to ignore, like, wallet-size things and
3 keys or cell phones. So it wouldn't -- we'd be
4 searching, got to do pat downs on everybody. And then
5 basically, just be like, "Hey, I'm going to -- I'm
6 just going to -- okay. Yeah. That's --" and then
7 most times they just pull it out. "It's this." "Oh,
8 it's -- your key. Okay. Cool. You're good." So --

9 Q Okay. What about squatting? Did you ever
10 squat?

11 A Same with kneeling, no.

12 Q What about if you had to pick something up?

13 A Kind of lean over and get it. I mean, I
14 wouldn't squat because that's uncomfortable. So --

15 Q Okay. So that's not --

16 A -- would be uncomfortable.

17 Q It's no lifting technique that you would use
18 to lift --

19 A We don't lift anything heavy. So if I was
20 leaning, I would be picking up, like, ID or something,
21 keys, or something like that.

22 Q Another bullet point on this is, "Sits for
23 extended periods of time." Is that something that you
24 did?

25 A Oh, yes.

1 Q Okay. And, "Walks for extended periods of
2 time." Same thing? Something you did?

3 A Yeah. Like I said, I could walk an entire
4 terminal sweep in about 30 to 40 minutes.

5 Q I want to turn now to talking about your
6 discrimination allegation. Your complaint says that
7 you were discriminated against because of your
8 disability. What is your disability?

9 A I have bad back, bad hips, bad knees.
10 That's the simple one thing. But I have sciatic
11 nerves in both hips. I have arthritis in both hips,
12 both knees. I have arthritis in my spine. I have two
13 bulging discs in my lower back.

14 Q When did your back, the conditions you said
15 with regard to your back, start?

16 A When I was in the military.

17 Q But they weren't conditions that resulted in
18 you asking for any kind of accommodation until 2020.
19 Is that right?

20 A Correct. Well, in 2019 I did take FMLA and
21 short-term disability, and they said I needed to
22 because I aggravated myself of doing the portals.

23 Q And was that intermittent FMLA or was
24 that --

25 A Yes. It's intermittent. As well as I did

1 two stints of physical therapy in that period, which
2 was short-term disability. I missed a total of 19 and
3 a half weeks in 2019.

4 Q And the condition with regard to your hips,
5 is that something that started before you worked at
6 the airport?

7 A Everything -- everything I named is
8 something from the military, which means it started
9 before I was out.

10 Q So the two bulging discs, you had that since
11 before you started at the airport?

12 A Yes.

13 Q And the arthritis, you had that before you
14 started at the airport?

15 A Correct.

16 Q And the sciatic nerve?

17 A Yes.

18 Q Anything else, any other disability that we
19 haven't talked about?

20 A I have other disabilities that aren't --
21 need to be accommodated. Like I have arthritis in my
22 elbows. I also have issues with my triceps, because I
23 tore two out of the three tendons while I was in the
24 army on both arms. I also have flat feet.

25 Q Okay. And those are not conditions that you

1 ever asked for an accommodation, though?

2 A Right.

3 Q I'm going to hand you what I'm going to mark
4 as Exhibit 4. These are responses to interrogatories
5 that were served in this lawsuit. Have you seen these
6 before?

7 (Exhibit 4 was marked for
8 identification.)

9 A I haven't seen this. I do believe we
10 discussed it on the phone.

11 Q Okay. Let's look at interrogatory number 1,
12 which is on page 3 of 7. Do you see that
13 interrogatory?

14 A Correct.

15 Q And did you draft the answer to this?

16 A Yes. This is the information that I gave.

17 Q Are you the one that wrote this?

18 A No.

19 Q Did you review this in its final form before
20 it was sent over to me?

21 A I did not.

22 Q In this interrogatory, we asked you to
23 describe any leaves of absence you took. Do you see
24 that?

25 A Yes.

1 Q Okay. You've listed a short-term disability
2 leave that began February 19th of 2019 and returned to
3 work April 8th of 2019. Do you see that?

4 A Yes.

5 Q And then you have listed intermittent leave
6 as item number 2. Is that the intermittent leave that
7 you were just referring to a minute ago?

8 A Yes.

9 Q And then item number 3 is a short-term
10 disability leave that November 9th of 2019, return to
11 work January 8 of 2020. Do you see that?

12 A Yes.

13 Q You told me a little bit ago that you think
14 you were out for 19 weeks in 2019. Is that right?

15 A Yes.

16 Q And was that part of the short-term
17 disability and intermittent leave that you mentioned?

18 A Yes.

19 Q And then in 2020, do you know how much you
20 were out? Well, the third short-term disability
21 leave, that spend 2019 and 2020. So when you said you
22 were out for 19 weeks in 2019, is part of that this
23 short-term disability leave in number 3?

24 A No. That's off of my -- my last pay stub
25 that was, like, dated December 20-something.

1 Q December --

2 A For 2019. So it was my total hours missed
3 from 2019 up until the last week of December.

4 Q Of 2019?

5 A Correct.

6 Q Okay. So some of that could have been the
7 short-term disability leave in number 3?

8 A Yes. Part of it was that, yes.

9 Q Okay. What was the short-term disability
10 leave in item number 3 for?

11 A Both of those were for physical therapy.

12 Q Both of what?

13 A The short-term disabilities.

14 Q Both of the short-term disabilities that are
15 listed in response to interrogatory number 1?

16 A Correct.

17 Q And they were for what again?

18 A Physical therapy.

19 Q Physical therapy. Okay. And that was
20 related to your back, hips, and knees?

21 A Yes.

22 Q Was it related to all of them or was there
23 one specific ailment that was --

24 A They were focused mostly on my -- my back
25 and my hips. Because those were the issues. Those

1 were the ones that were giving me the most issue.

2 Q And in each of these, well number 2 and
3 number 3, it says that you spoke to supervisor Sol
4 Ruder and Kai or is it Kai?

5 A Kai.

6 Q Kai Hardin. What did you speak to Sol Ruder
7 about with regard to this?

8 A About my disabilities.

9 Q Okay. Was that multiple conversations that
10 you would have had with him or just one or --

11 A Yes. Multiple, multiple times.

12 Q Okay. What were those conversations about?

13 A Basically that my hips -- you know, that I
14 had problems with my hips and my back. And that, you
15 know, when I'm posted at the portals, I'm constantly
16 getting those conditions aggravated and it's forcing
17 me to most likely take the time -- take the next day
18 off. Or just, you know, sometimes I've even had to
19 leave early because I'm not allowed to take my pain
20 meds while I'm there.

21 And if it gets to the point where I can't
22 tolerate the pain, I have to leave. And I've had that
23 happen a few times where I was there for, like, half a
24 day. Where, you know, six or seven hours and then I
25 had to leave because I could not continue. And, you

1 know, discussed that. I discussed, you know, my
2 condition, my military stuff that I did that caused
3 the aggravations, that caused the injuries and
4 everything.

5 Q And was that the same conversations you
6 would have been having with Kai Hardin?

7 A Occasionally. Most of the time it was just
8 at shift briefing. She would kind of say, "Hey, I got
9 your form." I was like, "Yeah, you know, my back was
10 bothering me," or whatever. Sol was the one who would
11 always come out and see us at the gate. He was one of
12 the very few supervisors. Him and Sam Jones were one
13 of the only ones that would come by and just -- every
14 day, if not, every other day, and check on everybody
15 at every post to make sure you're doing all right and
16 sit down and have a talk with you.

17 Q So he's the one you spoke to often about it?

18 A Yes.

19 Q With regard to your return to work January
20 of 2020, did you talk to Sol about that?

21 A No.

22 Q Did you talk to Kai Hardin about that?

23 A When I returned, I ahead to talk to him
24 about it. But I didn't -- I wasn't there. And like I
25 said, I don't have Sol's number. And Kai won't answer

1 the phone at work -- unless she's at work. It was --
2 for the return to work form, it was mostly just
3 talking to Karina. But then when I got back, I had to
4 discuss everything with Sol and Kai. And they came by
5 and visited me at the -- the dock. Mostly Sol, but
6 Kai, I think, came out once or twice to see what I was
7 up to.

8 Q And Karina is somebody that works for
9 Matrix.

10 A Correct.

11 Q With regard to your return to work and your
12 request for modified duty, when you returned in
13 January of 2020, did you only speak to Matrix about
14 that?

15 A Yes.

16 Q So you didn't talk to Sol about it until
17 after you had already come back to work?

18 A Correct.

19 Q And same thing with Kai.

20 A Yes.

21 Q Okay. I want to look at interrogatory
22 number 2 now. And that, we asked you to identify the
23 accommodations that you were requesting and your
24 alleged disability. I wanted to make sure that we've
25 covered all of your alleged disabilities first,

1 because I think that there's a couple on here that you
2 didn't mention when I asked you a few minutes ago.
3 But let me just ask about them.

4 So one of them is spinal lumbar stenosis.
5 What is that?

6 A That's the bulging discs.

7 Q Okay. And then chronic low back pain. I
8 think you mentioned that already. Lumbar
9 radiculopathy. What's that?

10 A That's the sciatic nerve.

11 Q And then pes planus?

12 A Flat feet.

13 Q And that's something you never asked for an
14 accommodation about, though; right?

15 A Correct.

16 Q Okay. And then gait abnormality?

17 A That's just from the hips and the abnormal
18 walking that I do. It kind of looks -- it's just
19 whenever it's in pain, I'll start kind of lumbering.

20 Q Okay. And other than the flat feet, is this
21 an accurate list? Have you now listed all of the
22 disabilities that you think were the basis of your
23 discrimination?

24 A Yes.

25 Q When did the spinal lumbar stenosis begin?

1 A That was something I had before I got out of
2 the military.

3 Q Do you remember when it began?

4 A I just remember my back was giving my a hard
5 time. Probably 2002, 2003 before we got our second
6 deployment.

7 Q And was that something that was continuous
8 or was it sporadic?

9 A It's been sporadic.

10 Q Is it something that you requested an
11 accommodation for when you were in the military?

12 A They don't do that.

13 Q They don't do accommodation?

14 A No.

15 Q So you never requested an accommodation?

16 A No.

17 Q What are the symptoms? How does it impact
18 your daily life? Those are really two different
19 questions. So let me restate that. What are the
20 symptoms of the spinal lumbar stenosis?

21 A Extreme pain in the lower back. It makes it
22 extremely painful. And sometimes it makes it to where
23 it's completely unbearable. You can't stand up. And
24 definitely can't walk. And those are on the worst
25 days, which, luckily don't happen very often unless

1 you do something to aggravate it. Like, if I -- for
2 an example, like, if I were to do the yard, I can't do
3 the edging with our weedwhacker and mow it on the same
4 day. I have to break them apart because it's too much
5 to do both of them on one day.

6 Q And is that a permanent condition?

7 A Yes.

8 Q And in 2020, how did that affect your
9 everyday activities?

10 A Most of the time I sit. You know, moderate
11 level of pain. And then, you know, it makes me really
12 -- like I said, with doing the yard work, I have to be
13 really cognitive of what I'm doing to make sure that
14 I'm not pushing my boundaries too far and that I'm
15 going to do something that's going to put me -- you
16 know, put me under. You know, make myself have to
17 take my pain meds and just lay down and -- and be
18 gone, basically vegged out for about 12 hours.

19 Q How did it impact your work?

20 A It -- it made it very difficult towards the
21 end. I mean, every -- the only thing that ever gave
22 me any problems was the portals. And that's where I
23 focused on my request. But that -- there -- probably
24 almost every day I did the portals, and it was a day I
25 went home, and my back was killing me.

1 Q How does it impact your everyday activities
2 now?

3 A It's just something I got to be cognitive
4 about. You know, I can't -- I can't go on long hikes
5 now because that would, you know -- when I go on
6 family trips, and my dad lives in Colorado Springs, I
7 go up to visit him. And I basically -- I got to stop
8 every, like, hour and a half to two hours so I don't
9 get back pain and start getting back spasms.

10 So I'll get out and walk around the rest
11 stop or park -- get into the parking lot and just kind
12 of walk around and just stretch my back a little bit
13 just to walk. And so it's just something that I have
14 to be considerate of any time I plan to do anything.
15 So I've always got to keep in mind that, hey, you
16 don't want to push too hard because, you know, you may
17 be able to tolerate it now, but tomorrow you're not
18 going to be very happy.

19 Q When did your chronic low back pain begin?

20 A 2002, 2003.

21 Q Is that related to your spinal lumbar
22 stenosis, or do you think it's something different?

23 A It's the same.

24 Q It's the same. Okay. What about the lumbar
25 radiculopathy? When did that begin?

1 A Same. It's the narrowing of the channels
2 that the nerves go through from your hips down into
3 your legs. As it narrows down, it's touching the
4 nerve. And so if you do a lot of activity and you can
5 get -- sometimes you can get to the point where you
6 aggravate that nerve, 'cause it'll end up touching,
7 and it'll get inflamed. And then it's basically --
8 it's a shooting, throbbing pain down your legs.

9 And it's been getting farther and farther
10 as, you know, I'm aging. So it gets farther and
11 farther. Right now, now when it gets bad, it's down
12 below my kneecaps. And then, you know -- the worst --
13 you know, when it gets real bad, people have had it go
14 all the way down to their feet. So --

15 Q Is that something, when it began, was it
16 continuous or intermittent?

17 A Everything is intermittent.

18 Q Okay. So even today it's still
19 intermittent?

20 A Yes.

21 Q And how did that affect your everyday
22 activities in 2020?

23 A The same like I said for my lower back.
24 It's you got to be cognitive. You got to -- you got
25 to know, hey, I can push myself so far. But then I

1 know it's going to end up kind of coming back to bite
2 me.

3 Q And how did it impact your work?

4 A Most of the time I just dealt with the pain
5 and tried to tough it out until it was the end of the
6 shift. And that's why originally when I was on the
7 intermittent leave, is that I took so many days,
8 because I would just bear through the whole shift.
9 Well, then I'd get up the next morning and I couldn't
10 feel my legs. I can't get out of bed.

11 And I'd be like, I got to call in. I can't
12 -- I can't go in. I mean, I -- I can't get out of
13 bed. You know, if I do walk, you know, I'm barely
14 struggling. Like, almost falling down. My wife is
15 having to support me going to the bathroom. So, you
16 know, I just kind of -- you know, you have that day if
17 you push too hard and you just ignore the pain for so
18 long, it's going to hurt real on your next day.

19 Q Okay. And then the pes planus, we don't
20 need to talk about that because you never -- you're
21 not claiming that that was a disability that's part of
22 this lawsuit; correct?

23 A Correct.

24 Q Okay. And then the gait abnormality, is
25 that something that you requested an accommodation

1 for?

2 A That's -- the gait abnormality is the result
3 of when I'm starting to start feeling pain. 'Cause
4 you start -- like, if my right leg is hurting, well,
5 then I'm going to start putting more weight on my
6 left. I'm going to start kind of having a small limp.
7 As in, just trying to put in a little bit of weight
8 and use, you know, right leg as little as possible.
9 And then it's just -- and then it ends up now the left
10 leg is bothering me. Just kind of -- it's kind of
11 funny.

12 Q And when did that begin?

13 A Same. 2002, 2003.

14 Q Is there something that happened in 2002 or
15 2003 that started all of these? Like your back pain
16 and --

17 A Six years in the army.

18 Q Okay. It wasn't necessarily like one
19 incident that happened?

20 A I was one of those gung-ho soldiers that
21 wanted to go special forces and everything. And I was
22 -- I ran like the wind. I ran. I tried to always --
23 I tore my triceps doing pushups. So I tore two out of
24 the three twice in each arm on separate occasions,
25 just 'cause I don't -- I wouldn't quit. I just keep

1 going and then end up tearing -- tearing the muscle.

2 So --

3 Q So if I was to ask you about how your gait
4 abnormality impacts your everyday life, is that a
5 different answer than what you've already told me?

6 A No. It's all -- all goes together.

7 Q Would that be the same as to how it impacted
8 your work?

9 A Yes.

10 Q What about your right hip pain? When did
11 that begin?

12 A It's all the same.

13 Q Okay. And how did that impact everyday
14 activities?

15 A Same.

16 Q And would that be with regard to your work
17 activities, also the same?

18 A Yes.

19 Q Is it accurate to say that you're alleging
20 you were discriminated against based on all of your
21 disabilities as opposed to one individual disability?
22 Is that what you're claiming?

23 A Yes, because they all go hand in hand. You
24 know, they're all issues that I have that get
25 aggravated by doing certain things at work.

1 Q Okay. In your complaint, you've alleged
2 that you were discriminated against when defendant
3 refused to reassign you to any of the positions you
4 applied for in August, September, and November of 2020
5 before you were terminated. Is that correct?

6 A Yes.

7 Q What makes you think that you were not
8 reassigned because of your disabilities?

9 A Because I applied for positions that I knew
10 I was qualified for and that were open according to
11 the vacancy list that is provided by the airport. And
12 every time I was told they found better candidates.
13 And they actually -- I requested on November 6th for
14 all SD3, SD4, MP3, MP4 open positions, which is a
15 total of 41. And that was at 6:41 p.m. on Friday.

16 And he responded to me at 8:30 p.m. Friday
17 saying, "No. They found better candidates for every
18 one of those."

19 Q Who responded to you?

20 A That's Mark Young. No. Carl Young. Carl
21 Young. Too many Youngs. It's Carl Young, my HR rep.

22 Q Is there anything that Carl said that made
23 you think you didn't get any of those positions
24 because of your disabilities?

25 A The fact that he claimed that he talked to

1 41 -- inquired about 41 open jobs in two hours on a
2 Friday night really indicated that.

3 Q Anything else?

4 A And he also was not answering my e-mails for
5 weeks at a time when he was supposed to be providing
6 me with information. I was constantly having to check
7 in with him to get him to give me stuff and give him
8 -- and constantly ask for stuff. And he only one time
9 gave me a list of job openings and it wasn't even a
10 complete list because I had access to the complete
11 list. So he was obviously, purposely, withholding
12 information and not cooperating with me in my attempt
13 to get reassigned.

14 Q So this is based on your assumption, not
15 something specific he said about your disabilities?

16 A I mean, that or just -- just insane
17 incompetence. And I would hope to think that that's
18 not the case.

19 Q Okay. How many jobs did you apply for
20 between August, September, and November of 2020?

21 A Just under 50.

22 Q Okay. Take a look for me at Exhibit No. 2,
23 please.

24 A Okay. The online portal thing?

25 Q The online portal.

1 A My request for reassignment was not done
2 online. It was done directly through originally Mark
3 Young, and then through Carl Young, as directed in the
4 original accommodations teleconference on August 25th.
5 I requested who was my point of contact, I was told
6 Mark Young. When Mark Young didn't have any answers,
7 he referred me to Carl Young.

8 Q So you didn't apply for any positions via
9 the portal between November of 2015 and December 27th
10 of 2020. Is that right?

11 A Correct.

12 Q Okay. In your complaint, and if you want to
13 look at it, it's Exhibit 1, paragraph 25. I'm sorry.
14 It's paragraph 26. The last sentence, it says that,
15 "The defendant was aware that he could only be on
16 disability leave according to company policy for 180
17 days and deliberately withheld reassignment so that
18 his 180 days would run and he would have to be fired."
19 Do you see that?

20 A Yes.

21 Q Do you agree that you accrued more than 180
22 days of leave in 2020?

23 A Yes.

24 Q Okay. When do you think that that 180 days
25 accrued?

1 A I do believe it would probably be right
2 around the time that I was given my termination
3 letter. December 12th or the 14th.

4 Q Okay. Do you know how many days that you
5 missed before August 25th?

6 A Through only a year -- I have no idea.

7 Q Okay. So you're not saying that you didn't
8 miss 180 days in 2020?

9 A I'm saying the majority of it at the last
10 half was involuntary, yes.

11 Q What do you mean it was involuntary?

12 A I was not wanting to be on short-term
13 disability. I wanted to return to my job.

14 Q And you understand that you were under
15 restrictions, though, that didn't allow you to perform
16 the functions of your job; correct?

17 A Other than needing a taller table and a
18 chair with a back, it absolutely did.

19 Q Are you saying that that's the only
20 accommodation you requested?

21 A Absolutely. Those were the only
22 accommodations that applied to the essential functions
23 of the job.

24 Q And, Mr. King, are you an expert on what
25 essential functions of the job are?

1 A If it's not listed on the job description,
2 it's not an essential function. So it's not very
3 difficult to ascertain what's an essential function.

4 Q So everything listed on the job description
5 would be an essential function.

6 A Exactly.

7 Q Okay. What jobs are you saying that you
8 applied for the 41 positions? Do you have a list
9 somewhere of the jobs that you applied for?

10 A Yes, I do. Paragraph 41 in Exhibit 1.

11 Q I think you must mean paragraph 20?

12 A Sorry. Yeah. I said number 41. Yes, it
13 was paragraph 20.

14 Q Okay. You said here that you possessed the
15 appropriate qualifications for each of these 41
16 positions. Is that right?

17 A As far as I'm aware, yes.

18 Q Did you look at the job description for each
19 of these positions?

20 A Job -- job descriptions were not available
21 to me and were not provided to me when requested.

22 Q For every single one of these?

23 A Absolutely. Every single one.

24 Q Okay. Let me finish before you answer.

25 A Sorry.

1 Q When you looked on the portal where you saw
2 the posting for the jobs, are you saying that the job
3 descriptions were not available on the portal?

4 A They're not listed in the portal. They're
5 listed in the DFW vacancy list.

6 Q Okay. And where is that located?

7 A It's located on the airport server. That --
8 that managers have access to. It's about 80-something
9 pages long. It lists every job position with a
10 position number, supervisors, what the pay grade is,
11 everything. And I was -- I had access to that.
12 That's how I know there were 41 positions that I
13 applied for. When I requested SD3, SD4, MP3, and MP4.
14 All of these were vacancies listed under the airport's
15 vacancy list. They're not listed on the portal.

16 Q Okay. What's the difference between the
17 portal and the airport vacancy list, as far as you
18 understand?

19 A The portal is open for outside applicants.

20 Q And the vacancy list is open for --

21 A Any internal applicants.

22 Q Okay. Have you ever applied -- other than
23 this period of time in August to November of 2020,
24 have you applied for any other positions using that
25 employee vacancy list?

1 A No.

2 Q Did you talk to Carl Young about whether you
3 could apply for positions using the employee vacancy
4 list?

5 A As the official vacancy list published by
6 DFW, and I wasn't made aware of it until at least
7 September when I was -- when my wife made it available
8 to me.

9 Q Okay. Thank you. But my question was, did
10 you talk to Carl Young about that list?

11 A Absolutely. I even shared with him, copy
12 and pasted from it, a list of, you know, every job of
13 the -- of the -- position with the job number with the
14 supervisor with the thing that said vacant with the
15 paygrade and everything. And I provided that to him
16 in an e-mail. And I said I would like to apply for
17 this. And he said, "Those aren't vacant." And I
18 said, "I'm looking at the vacancy report. It is
19 vacant. I would like to apply for this."

20 Q So how do you know that those positions were
21 actually to be filled?

22 A Because they were listed on the vacancy list
23 as vacant.

24 Q Okay. So we're talking about August to
25 November of 2020; right?

1 A Correct.

2 Q Okay. Do you know if there was anything
3 going on that might have caused DFW not to be able to
4 or not be wanting to fill those vacant positions at
5 that time?

6 A None that they made aware.

7 Q None that who made aware?

8 A The airport.

9 Q How would the -- you're not in HR; right?

10 A Correct.

11 Q You're not a recruiter; correct?

12 A Correct.

13 Q You were just looking at this vacant list
14 assuming that all of those positions could be filled.
15 Is that right?

16 A All of the -- everything listed on the
17 vacancy list is funded for that year.

18 Q And how do you know that?

19 A Because it's in the annual -- annual budget
20 report that's put out.

21 Q Okay.

22 A It states that 2 percent of all jobs would
23 be for turnover, and approximately 43 jobs are funded,
24 but vacant. And that's in the first few pages of the
25 annual timings report -- for the year report. That's

1 published on their website underneath business.

2 Q What year was that that you're referring to?

3 A 2020.

4 Q And when was that published? At the
5 beginning of 2020?

6 A No, at the end.

7 Q Like in December?

8 A It was -- no. It was -- it was published in
9 the end of September, but I had access to it at the
10 beginning of September.

11 Q How did you have access to it?

12 A Bathyaa knows people.

13 Q Okay. So Bathyaa got you some access to
14 this list --

15 A Correct.

16 Q -- that wasn't yet public.

17 A Correct.

18 Q All right. Let's talk about the individual
19 positions here.

20 A Okay.

21 Q You said that you never got job descriptions
22 for these positions. Is that right?

23 A Correct.

24 Q Because these positions were not posted on
25 the portal where people could apply for the job.

1 A Right.

2 Q What's the process for applying for a job
3 that's on that employee vacancy list?

4 A Requesting to be assigned or requesting to
5 apply for that position.

6 Q Who do you send that request to?

7 A Your supervisor. And then your assistant
8 manager has to approve it. And then you have to fill
9 out a form to -- you have to get them to sign a form
10 that they approve of you being transferred to another
11 -- another department.

12 Q And did you follow that process for any of
13 these 41 positions you had listed?

14 A Negative. Because I was out with a
15 reassignment for ADA, which means I don't have to do
16 that method.

17 Q And who told you that you didn't have to
18 follow regular procedures for applying for a job?

19 A Mark Young, Carl Young, and Tim Richardson
20 for Matrix in the August 25th conference.

21 Q So if they said that, that's going to be in
22 the recording of the August 25th conference?

23 A Absolutely.

24 Q Okay. So let's talk about the 41 positions.
25 The first one listed is terminal experience

1 supervisor. What makes you believe that you had the
2 qualifications for that position?

3 A Because I have been with the airport for
4 five years. I have a business degree, military
5 experience, and am extremely good with customers. So
6 I have supervisory experience as well for working at
7 Alamo. I have every -- I check off every box on that.

8 Q Okay. And did you see the job description
9 for that position?

10 A Yes, I did. Because that's what my friend
11 Sam Jones does.

12 Q Okay. Did you see the written job
13 description for that position?

14 A Yes. He provided me a copy of it.

15 Q Okay. And how did you apply for that
16 position?

17 A By telling Mark Young originally, and then
18 Carl Young, that I would like to apply for that.

19 Q And what did they tell you in response to
20 that?

21 A They went with better -- with stronger --
22 stronger candidates.

23 Q They didn't tell you, you needed to apply
24 through the regular channels?

25 A No.

1 Q They never told you that?

2 A They did eventually in, like, November or
3 December.

4 Q And once they told you that, did you start
5 applying through the regular channels?

6 A No, because the original instructions were
7 to apply through them.

8 Q Okay. So what is it that a terminal
9 experience supervisor does?

10 A They supervise the customer experience
11 personnel and basically doing counseling, they do
12 inventory, they do training. It's multiple things. I
13 don't have it in front of me to recall. But it's
14 basically typical supervisor job.

15 Q Did you ever talk to the person who was
16 hiring for the terminal experience supervisor?

17 A He would not tell me who it was when I
18 requested it.

19 Q He who?

20 A Carl Young. I requested that if he's not
21 going to be giving me information, can you please put
22 me in contact with the recruiter, never responded.

23 Q Do you know who the hiring manager was for
24 that position?

25 A No.

1 Q The next job listed is tactical
2 telecommunicator. Did you see the job description for
3 that?

4 A No.

5 Q Do you have an understanding of what that
6 role is?

7 A Yes, because I applied for that at Arlington
8 PD. I think that was before I was working at Mouser.

9 Q What do you understand that role to me?

10 A You're -- you're a 911 operator.

11 Q Okay. And what do you think your
12 qualifications are to do that job?

13 A I was a communications specialist that
14 worked in the -- I had call center similar experience.
15 Plus I had a degree. Plus I have a minor in criminal
16 justice. And I am also good with computers. And I
17 did extremely well on the test for APD, but I did not
18 accept the job.

19 Q Did you get offered the job at APD?

20 A Yes. This was 2014, 2015. No, I'm sorry.
21 It'd be 2009, '08 or '09. Because I took Mouser
22 instead because I needed a job that didn't require me
23 to be focused on the job when I got off the job,
24 because I wanted to focus on school.

25 Q And that was for a tactical

1 telecommunicator?

2 A Yes.

3 Q How did you apply for the tactical
4 telecommunicator job at DFW?

5 A I applied by sending an e-mail to Carl
6 Young.

7 Q Okay. Is that the only way you applied for
8 that job?

9 A Yes.

10 Q The next one listed is parking guest
11 contract services supervisor. Did you see a job
12 description for that?

13 A No.

14 Q What made you think that you were qualified
15 for that position?

16 A Same as most supervisor jobs. They're
17 pretty much -- the majority of it is the same -- same
18 work, which I've done as a manager down at Alamo and
19 as my time in the military supervising.

20 Q How did you apply for that position?

21 A That was, again, when I told them I wanted
22 to apply for all positions, SD3, SD4, MP3, MP4.

23 Q So did you tell him specifically you wanted
24 to apply for the parking guest contract services
25 supervisor or did you tell him you wanted to apply for

1 every position that was --

2 A Yes, I told him -- I think I told him I
3 wanted to apply for all of those positions.

4 Q Okay. So you didn't specifically say, "I
5 want to apply for parking guest contract services
6 supervisor."

7 A No. Because at this point, it had gotten to
8 where I was frustrated with him because he wasn't
9 giving me the information that I requested, and I knew
10 that my time was running out. And so I was like, just
11 apply for everything and see if maybe he'll find one
12 that I'm a candidate that's good enough.

13 Q Do you remember when that was?

14 A November 6th. That was the one he responded
15 to less than two hours later and said, "Oh, we found
16 stronger candidates for every one of those." On a
17 Friday night. 6:40 I e-mailed him. He responded at
18 8:30 Friday night and said, "We found stronger
19 candidates for every one of those."

20 Q Okay. The next job is multimedia
21 specialist. Did you ever see the job description for
22 that?

23 A That one I did. And that one I was really
24 excited about because it's basically social media and
25 then doing -- you know, doing presentations and

1 basically being their -- their internet, the world
2 wide web, you know, spokesperson. That one I think I
3 actually applied for back in -- years ago. I remember
4 I was like, "Oh, that one looks fun," 'cause you get
5 to do YouTube and everything else.

6 Q How did you apply for that position?

7 A Same one. Same e-mail on November 6th.

8 Q That was part of November 6th e-mail. So
9 you didn't specifically apply for multimedia
10 specialist, that was part of applying for all of those
11 positions?

12 A I do believe it was on one that I sent prior
13 to that. There was one that I sent that had four of
14 them listed, and that was one of them specifically
15 that was directly listed that he never got back to me
16 on. And that's when November 6th I was just like,
17 apply me for everything.

18 Q Okay. The next one is concessions
19 compliance analyst. Did you ever see the job
20 description?

21 A No.

22 Q And did you apply specifically for this
23 position?

24 A November 6th still.

25 Q November 6th. Okay. Access DFW trusted

1 agent. Did you ever see the job description for that?

2 A Yes, I have. And I know a few people that
3 worked it. A couple people went from CSO to that job.
4 And it's actually easier to get that job than the
5 CSO's requirements.

6 Q What is that job? What does --

7 A SIDA background checks.

8 Q I'm sorry?

9 A They do the background checks for the SIDA
10 badges.

11 Q Okay. And did you apply specifically for
12 that job or was it part of the November 6th e-mail?

13 A I applied specifically for that job numerous
14 times because, like I said, I knew people that have
15 done it. It's a 100 percent desk job. You -- you sit
16 there, and you run backgrounds on people, and you take
17 their picture, and you give them a SIDA badge.

18 Q And did you apply for that in August,
19 September, November of 2020 or was it some other time
20 when you applied for it?

21 A It was during that time period.

22 Q And you applied specifically for that job?

23 A That's the one that I actually copy and
24 pasted four open vacant positions off of the vacancy
25 list with everything. Supervisor, the job position

1 number, the SD3, and I copy and pasted it into the
2 e-mail and I sent it to him and said these four jobs.
3 And he said, "Those aren't open." I said, "I'm
4 looking at the vacancy list right now. They are
5 open." "No they're not." And that's when I was like,
6 fine.

7 Q So those weren't on the portal that anybody
8 could apply for, those were on the vacancy list?

9 A Correct.

10 Q And how did you know specifically that those
11 were open? Just because they were on the vacancy
12 list?

13 A Yes.

14 Q Okay. Airfield operations agent. Did you
15 see the job description for that?

16 A Yes.

17 Q And what does that person do?

18 A They're the people that go out and drive
19 around the AOA and they can escort construction. We
20 worked with them when I was a CSO. They did -- they
21 escorted all of the construction contractors into the
22 AOA. We just -- we just manned the gates. They also
23 clear the runways, they do escorts for aircraft.
24 Basically, they're just -- a whole lot of stuff that
25 they do just exclusively on the AOA dealing with

1 people coming and going on the AOA and -- and
2 enforcing the AOA. They're the ones that are going to
3 drive the ramp and look for people who don't have
4 badges and stuff like that.

5 Q And so is that pretty much constantly
6 driving a vehicle?

7 A It's just driving till you see someone and
8 get out. It's not like, you know, the airport is not
9 big enough to be constantly driving the vehicle
10 anywhere. Like I said, to do the entire perimeter
11 around the entire airport, you can do it under two
12 hours. The entire, all the way around, check every
13 gate, both east and west side.

14 Q And do you know how long an airfield
15 operations agent spend in a vehicle each day?

16 A I would say probably four to six hours,
17 'cause I know they do other stuff. I don't know
18 exactly what they do other than what I've seen them
19 do. Which, majority of that is sitting in the -- in
20 the vehicle, watching the construction workers to make
21 sure they don't leave the area they're supposed to.

22 Q And how did you apply for that job?

23 A Via the e-mail on November 6th as well as
24 specifically stating that that was one of the first
25 jobs I told him I would like to apply for.

1 Q All right. Business specialist. Did you
2 see the job description for that?

3 A No.

4 Q And how did you apply for that job?

5 A Same. November 6th e-mail.

6 Q And do you know what a business specialist
7 does?

8 A I have a degree in business management. I'm
9 willing that's similar to that.

10 Q But do you know specifically what a business
11 specialist does?

12 A No.

13 Q Okay. So no idea if you were qualified to
14 be a business specialist?

15 A I'd have to have the job description to know
16 for sure.

17 Q Right. And you didn't see the job
18 description; right?

19 A Correct.

20 Q Develop and leasing administrator. Did you
21 see the job description for that?

22 A No.

23 Q Do you know what that person does?

24 A It's pretty self-descripting.

25 Q You don't know what that person does,

1 though, other than just assuming it has something to
2 do with leasing administration?

3 A Correct. You know, when I'm not provided
4 the job description, I can only go on what the title
5 is. And if the title looks like something that I'm
6 qualified for, I have to go on that.

7 Q How do you know that you would be qualified
8 to be a develop and leasing administrator?

9 A Because administrators typically do
10 paperwork and they're somewhat similar to a
11 supervisor, of which I've got tons of experience in
12 both.

13 Q Okay. So if it had to do with paperwork or
14 being a supervisor, you think you would have been
15 qualified for the job?

16 A Absolutely.

17 Q And how did you apply for that job?

18 A November 6th e-mail.

19 Q Okay. Communications and marketing
20 specialist. Did you ever see a job description for
21 that?

22 A Negative.

23 Q And what makes you believe that you're
24 qualified to be a communication and marketing
25 specialist?

1 A Because I have a business degree that
2 actually required me to take marketing courses.

3 Q So you took marketing courses?

4 A Correct.

5 Q Do you have a degree in marketing?

6 A I have a degree in business management,
7 which is basically an umbrella over all the different
8 business criteria, which is marketing as well.

9 Q So do you have any idea if a degree in
10 marketing was required for this job?

11 A I do not. But almost -- does -- you know,
12 does say that other equal to equal experience or
13 education.

14 Q And how did you apply for this job?

15 A November 6th.

16 Q The next one is multimedia coordinator. Did
17 you ever see a job description for that?

18 A It's the same thing as the multimedia
19 specialist, basically.

20 Q Did you ever see a job description for it?

21 A No.

22 Q And how did you apply for that job?

23 A November 6th.

24 Q Airport customer experience specialist. Did
25 you ever see a job description for that?

1 A Yes.

2 Q Okay. And what does that person do?

3 A They walk around and do checks for lights
4 and outlets and basically interact with the customers
5 and to serve a liaison on how to help people find the
6 gate they're looking for, what kind of restaurant.
7 That kind of stuff. It's almost all interacting with
8 the customer and giving them information.

9 And then in the meantime doing that, while
10 you're walking around trying to help the customer, you
11 are also checking the actual infrastructure to make
12 sure all the power outlets work, make sure the lights
13 are on, and then you put a maintenance request for
14 that.

15 Q And how did you apply for that?

16 A November 6th.

17 Q The next one is customer programs trainer.
18 Did you see a job description for that?

19 A No, did not.

20 Q And do you have any idea what a customer
21 programs trainer does?

22 A Trains people on whatever the programs that
23 they're implementing for the airport for different --
24 different activities they're doing around the airport.
25 Like, hey, we're going to do a program with -- we're

1 focusing on getting people from different backgrounds
2 to come to our airport and interact and come to our
3 restaurants or fly -- fly our airline or come and
4 visit this.

5 And then as a trainer, which I had tons of
6 training experience. When I was in the army, that was
7 one of my main things. I'd do training on how to use
8 the radio, training on how to use the equipment. And
9 I also had to train people at my job at Alamo. I also
10 trained the supervisor when I was at Mouser because I
11 didn't want to be a supervisor, so they had me
12 training supervisors.

13 Q How do you know that's what this person does
14 if you never saw a job description?

15 A You can only guess because you have to go on
16 what the title is, which I would think has something
17 to do with the actual job.

18 Q Okay. So that's an assumption based on what
19 you can --

20 A Common sense, yes.

21 Q What you can glean from the title because
22 you never saw a job description.

23 A Yes.

24 Q And how did you apply for that job?

25 A November 6th.

1 Q The next one is market research analyst.

2 Did you ever see a job description for that?

3 A No, I did not.

4 Q And how do you believe you are qualified to
5 be a market research analyst.

6 A Based on my degree.

7 Q Based on your business degree?

8 A Correct.

9 Q And how did you apply for that job?

10 A Same. November 6th.

11 Q Okay. Survey technician. Did you ever see
12 a job description for that?

13 A No, I did not.

14 Q How do you know that you're qualified to be
15 a survey technician?

16 A It's an ST3 position, which is one that's a
17 trainee. And that's for surveying.

18 Q And how does that tell us that you're
19 qualified for that position?

20 A Because they train you how to do the
21 surveying. So you don't even actually have to
22 experience. It's a bottom, entry level position that
23 doesn't require any experience.

24 Q And how did you apply for that position?

25 A Same way. November 6th.

1 Q And did you see a job description for that?

2 A I read one a couple years ago, which is
3 where I saw it's a trainee position. But I didn't
4 necessarily want to have a job that I was going to be
5 standing out in the field all day, but --

6 Q Okay. The next one is construction
7 inspector. Did you see a job description for that?

8 A I did not.

9 Q How do you know that you're qualified to be
10 a construction inspector?

11 A Because my wife does similar work. And
12 she's a compliance analyst. They go out and they have
13 to verify blueprints and check to make sure that the
14 side -- where they need to be. And she basically kind
15 of laid out, this is kind of what you do, shouldn't be
16 that hard for you.

17 Q And how did you apply for that job?

18 A Same way. November 6th.

19 Q The next one is plans examiner/inspector.
20 Did you see a job description for this?

21 A That's similar to what my wife does with her
22 compliance analyst.

23 Q So you did not see a job description?

24 A Correct.

25 Q And you're assuming that it's the same thing

1 that your wife does?

2 A It's similar to.

3 Q Okay. And how did you apply for that?

4 A Same way. November 6th.

5 Q Quality control technician. Did you see a
6 job description for that?

7 A No, I did not.

8 Q And what makes you believe that you are
9 qualified to be a quality control technician?

10 A Because I had to do that when I was at
11 Alamo.

12 Q You had a title of quality control
13 technician at Alamo?

14 A I was the one that had to verify the quality
15 of everything that went out the door that I shipped.

16 Q Do you know that that's the same thing that
17 this position does at DFW?

18 A Based on the title, yes.

19 Q Okay. Not based on the job description.

20 A Correct, because I was never provided that.

21 Q And how did you apply for that job?

22 A November 6th.

23 Q The next one is systems performance analyst.
24 Did you see a job description for that?

25 A No, I did not.

1 Q What makes you think you're qualified for
2 that role?

3 A Because I have experience working on
4 electronics in the military.

5 Q Okay. Any idea if the systems performance
6 analyst at DFW works on the same kind of technology
7 that you were working on in the military?

8 A Electronics are electronics. Schematics are
9 all you need to know. So as long as there's
10 schematics, you can still work on it.

11 Q Do you know if the system performance
12 analyst was working on that type of equipment or if
13 they were more of a general IT employee?

14 A I didn't apply for any IT positions.

15 Q Okay. How do you know that this systems
16 performance analyst is not an IT position?

17 A Because all IT positions are IT in the -- in
18 the paygrade.

19 Q Okay. How did you apply for this position?

20 A November 6th.

21 Q Automotive technician. Did you ever see a
22 job description for that?

23 A No, but I got a pretty good idea. I worked
24 at an automotive performance shop, Alamo Autosports.

25 Q Did you do automotive technician duties when

1 you were working at Alamo Autosports?

2 A Yes, I did work on cars and my own car and
3 my boss' car.

4 Q Okay. And how did you apply for that job?

5 A November 6th.

6 Q The next one is lead automotive technician.
7 Did you see a job description on that?

8 A Negative. But that's a pretty standardized
9 automotive job, which that was what I did. Basically,
10 it's the shop manager is what that is.

11 Q Okay. And you believe you were qualified
12 for that why?

13 A 'Cause that's what I did at Alamo
14 Autosports.

15 Q And how did you apply for that position?

16 A November 6th.

17 Q The next one is radio and mobile electrician
18 system technician. Did you see a job description for
19 that?

20 A No.

21 Q What makes you think that you're qualified
22 for that position?

23 A That's what I did for almost nine years in
24 the army.

25 Q And how did you apply for that position?

1 A November 6th.

2 Q Electrician 2. Did you see a job
3 description for that?

4 A No.

5 Q What makes you think you're qualified for
6 that?

7 A Electricians are pretty standardized job,
8 which I did much of that when I was in the military.

9 Q Do you have a certification as an
10 electrician?

11 A No, I do not.

12 Q Do you know if that was a requirement for
13 that position?

14 A I would have to see the job description.

15 Q Which you didn't see; right?

16 A Correct.

17 Q And how did you apply for that job?

18 A November 6th.

19 Q Signs and marketing technician. Did you see
20 a job description for that?

21 A I think applied for it on the -- yes.

22 Q All right.

23 A I think it's on this list.

24 Q Did you see the job description before you
25 applied for it?

1 A Yes.

2 Q When did you apply for this position on, I
3 think you were referring to, Exhibit 2?

4 A There we go. Instrument and controls
5 technician. So, similar, but not the same job. I'm
6 sorry.

7 Q Okay. So did you see a job description for
8 signs and marketing technician?

9 A No.

10 Q And what makes you think that you're
11 qualified for that role?

12 A Based on the name, it sounds pretty
13 straightforward. It's printing signs and maintaining
14 signs and installing signs, all of which I should be
15 qualified to do.

16 Q And how did you apply for that job?

17 A November 6th.

18 Q The next one is electronics technician lead.
19 Did you see a job description for that?

20 A Negative.

21 Q And what makes you think that you're
22 qualified to do that?

23 A It's pretty much the same thing it is in the
24 army. Maintaining radios, troubleshooting radios,
25 repairing radios.

1 Q And how do you know that the electronics
2 technician does that with radios?

3 A That's pretty much what an electronics
4 technician does, is they prepare components to
5 electronics.

6 Q Okay. So it might have been more than
7 radios?

8 A It's all the same. Schematics is all you
9 need to know.

10 Q Okay. How did you apply for that role?

11 A November 6th.

12 Q The next one is lead electronics technician.
13 Did you ever see a job description for that?

14 A No.

15 Q And why do you think you're qualified to do
16 that? Is that the same as the answer you just gave
17 me?

18 A Correct.

19 Q And how did you apply for that role?

20 A Same way. November 6th.

21 Q Environmental analyst. Did you see a job
22 description for that?

23 A No, I did not.

24 Q What makes you think you're qualified to be
25 an environmental analyst?

1 A Like I said, another SD3, which -- which has
2 the training built into it. And I looked online, and
3 the training courses are approximately two weeks to
4 get your start on it.

5 Q And how did you apply for that?

6 A November 6th.

7 Q So that was part of the November 6th e-mail
8 where you told Carl Young that you wanted to apply for
9 every position that had a certain category?

10 A Correct.

11 Q Okay. The next one is waste recycling
12 technician. Did you see a job description for that?

13 A No, I did not.

14 Q And what makes you think that you're
15 qualified to be a waste recycling technician?

16 A Because that's what my ex-wife does. She
17 does it for the City of Dallas.

18 Q Okay.

19 A And so I'm very familiar with the work in
20 the waste treatment plant down by Trinity Lake. And
21 it's basically doing quality samples.

22 Q And do you know that that's what this person
23 did for DFW Airport?

24 A Based on the title, that was the only thing
25 I could think of that would be.

1 Q And how did you apply for that job?

2 A Again, November 6th.

3 Q The November 6th e-mail to Carl Young?

4 A Correct.

5 Q The next one is talent acquisition
6 specialist. Did you see a job description for that?

7 A No, did not.

8 Q What qualifies you to be a talent
9 acquisition specialist?

10 A My business degree.

11 Q And have you ever worked as a talent
12 acquisition specialist?

13 A No, but I'm a quick learner.

14 Q And how did you apply for that job?

15 A November 6th.

16 Q The next one is AOC communications
17 specialist. Did you ever see a job description for
18 that?

19 A No, I did not.

20 Q What makes you think you're qualified for
21 that role?

22 A Because it's almost the same as the 911
23 dispatcher, of which, when I was in the army, I worked
24 in the Talk, which is the communications center. And
25 I had to monitor all the radios as well as maintain

1 them, which would be -- the AOC would basically be a
2 watered-down version of the 911 operator.

3 Q Do you know for sure that's what this role
4 does?

5 A Just from talking to people that -- yes.

6 Q You talked to people that did --

7 A Just from wandering around, yeah.

8 Q You talked to people that did work in the
9 AOC communications specialist role?

10 A Yes. At the operations center that I talked
11 to on the radio whenever I needed.

12 Q How did you apply for this?

13 A November 6th.

14 Q The next one is airfield operations officer.
15 Did you ever see a job description for that?

16 A Yes, I did.

17 Q And when did you see that job description?

18 A That and the following one, assistant
19 airfield ops is one that I applied for immediately
20 when I was reassigned. The same AOA stuff.

21 Q And how did you see that job description?
22 Because it was posted on the portal?

23 A I've looked at it previously because that
24 was a job that I really wanted to do to transfer in.
25 That the CSO transfers over pretty easily, because

1 it's a lot of AOA stuff. And one of the main
2 qualifications is that you are at a large -- in an
3 airport and have experience working on the AOA. And
4 the CSO position is one of the very few that transfer
5 directly over to.

6 Q Did you ever apply through the normal
7 application channels to transfer over to that
8 position?

9 A No. It was just something that if I decided
10 I wanted to move on, that's something else that's what
11 my plan was.

12 Q Okay. And how did you apply for this role?

13 A This was one of the very first ones I sent
14 him and this was also on November 6th.

15 Q Okay. And assistant airfields operation
16 officer. You said you did see the job description for
17 that?

18 A Yes, that's the same thing. It's just the
19 airfield operations officer is like almost like a
20 supervisor. And then the assistant is a new -- new
21 hire who is just getting familiarized and then they
22 will promote you into the airfield op.

23 Q And how did you apply for that?

24 A Directly on one of the first. That's what I
25 said, I wanted to be in airfield ops. And then again

1 on November 6th.

2 Q When you say directly at first, do you mean
3 you sent that to Carl Young?

4 A August 26th.

5 Q Okay. So that's one of the ones you
6 specifically told Carl Young you wanted to apply for.

7 A Correct.

8 Q And then again on November 6th.

9 A Correct.

10 Q Okay. Corporate aviation rep. Did you see
11 the job description for that?

12 A Yes. And I've talked to them, too. Because
13 we used to go over there and have to open the gate for
14 them when it's late at night and they got planes that
15 came in late and they need to be able to get out of
16 the gate. We had to open it up for them.

17 Q So you did see the job description for that?

18 A Yes.

19 Q Did you see the job description for that
20 before you applied for this role?

21 A Yes. That's another one of those little
22 jobs that I was like, that'd be cool to do.

23 Q And what makes you think you're qualified
24 for that role?

25 A It's -- it's just being there to check bags

1 for when they fly out on private jets. And then bring
2 them in, because I worked for AMR Services before I
3 worked for Evergreen. And I worked at terminal 2W
4 before it was terminal B. And I used to work where
5 they would contract AMR Services, the parent company
6 of American, and we used to bring in the jets over
7 terminal B. When they had the A340 coming in.

8 And so I've done -- already done that. Kind
9 of experienced bringing in planes and unloading
10 planes, loading planes, cleaning planes.

11 Q And how did you apply for this role?

12 A November 6th.

13 Q The next one is transportation business
14 specialist. Did you see the job description for that?

15 A No, I did not.

16 Q And what makes you believe that you're
17 qualified for that role?

18 A My experience in automotive industry as well
19 as my business degree. Just based on the title.

20 Q And how did you apply for that?

21 A November 6th.

22 Q The next one is contract services quality
23 agent. Did you see a job description for that?

24 A No, I did not.

25 Q What makes you think that you're qualified

1 for that role?

2 A Contract services. It falls under what
3 typically would happen in a business. So I figured I
4 should -- I could qualify for that for my business
5 degree.

6 Q And how did you apply for that?

7 A November 6th.

8 Q Contract administrator. Did you see a job
9 description for that?

10 A No, I did not.

11 Q What makes you think that you're qualified
12 to do that role?

13 A Because I have a business degree.

14 Q And how did you apply for that?

15 A November 6th.

16 Q Civilian detention officer. Did you see a
17 job description for that?

18 A No, I did not. Same one for APD, but not
19 for DFW.

20 Q And what makes you think that you're
21 qualified to do that?

22 A Because it's just being the jailer. And I
23 easily meet all that.

24 Q And how did you apply for that role?

25 A November 6th.

1 Q Access DFW trusted agent. Did you see a job
2 description for that?

3 A Yes, I did.

4 Q Okay. Was that before you applied for it?

5 A Yes. That was the one that -- same one
6 that's listed up -- I guess it's listed twice. Access
7 DFW, yeah.

8 Q Okay. How did you apply for that?

9 A That's one that I copied and pasted off the
10 vacancy list that had four openings and I said I
11 wanted to apply for one of those.

12 Q Okay. And the next one is research and
13 analytics specialist and risk analyst. Did you see a
14 job description for that?

15 A No, I did not.

16 Q What makes you think you were qualified for
17 that role?

18 A Because I've done plenty of risk analysis
19 when I was in the military as well as research and I
20 have a business degree. So, I figured, all my strong
21 attributes would apply very well to that job.

22 Q And how did you apply for that job?

23 A November 6th.

24 Q Okay. I think that we're probably at a
25 stopping point.

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1 A Is it 2:30 yet?

2 Q It's 2:44.

3 A Oh, my wife's probably out there waiting.
4 Okay.

5 MS. HARRISON: We'll go off the record.

6 THE REPORTER: Okay. Please stand by.

7 The time now is 2:44 p.m. and we are off the record.

8 (Off the record.)

9 THE REPORTER: The time now is
10 3:45 p.m. We are back on the record.

11 BY MS. HARRISON:

12 Q Mr. King, are you alleging that DFW Airport
13 deliberately withheld reassignment?

14 A Yes.

15 Q And what is that based on?

16 A It's based on all of the e-mails and the
17 lack of response in a timely manner, as well as a lack
18 of response for any information until repeatedly
19 asking for it as well as the continual denying when it
20 was blatantly obvious that he never actually inquired.
21 As I mentioned before, November 6th, he had less than
22 two hours on a Friday night to make a determination on
23 41 job positions that I applied, of which he said
24 stronger candidates for all of them.

25 Q And when you say he, you're talking about

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1 Carl Young?

2 A Correct.

3 Q Is there a specific position you think you
4 should have been reassigned to?

5 A I think I should have been kept in my job
6 that I was originally employed there for.

7 Q And you think that you were qualified to do
8 your job based on the restrictions that your doctor
9 gave you?

10 A Absolutely.

11 Q How do you think you could have done your
12 job based on the accommodations you requested?

13 A All they had to do was provide me with a
14 taller table. Chairs with backs was already standard
15 out at every post. So that was listed, but that
16 wasn't even a requirement because it was already met.
17 Other than that, all the other ones either covered a
18 marginal function or applied for a completely
19 different job. Because I was told to prepare it in a
20 manner that in case I got reassigned, it should cover
21 every possible job.

22 Q Who told you that?

23 A Tim Richardson.

24 Q When did you talk to Tim Richardson where he
25 told you that?

1 A June 2020.

2 Q June of 2020. And was that a phone call?

3 A It was an e-mail.

4 Q So is it your testimony that the
5 restrictions that your doctor provided in the request
6 for accommodation were not applicable to the CSO
7 position?

8 A The majority of them, absolutely.

9 Q They absolutely were not?

10 A They were not applicable to the job that I
11 was doing. They were applicable to other positions of
12 which I might be reassigned.

13 Q So you think that the limitation with regard
14 to sitting was not applicable to CSO position?

15 A What limitation required to sit?

16 Q Well, let's go ahead and talk about the
17 specific accommodations that you requested. If you
18 look at -- I'm going to hand you what we're going to
19 mark as Exhibit 5. Do you know what this is?

20 (Exhibit 5 was marked for
21 identification.)

22 A Yes, I do.

23 Q All right. Tell me what this is.

24 A This is my reasonable accommodations form
25 that I submitted that we discussed in the August 25th

1 teleconference.

2 Q Okay. And in this, this is something that
3 you filled out. Is that correct?

4 A It was something that I said I want the
5 doctor, and we filled it out together.

6 Q Okay. And what's that doctor's name?

7 A That would be Dr. Derrick.

8 Q And do you have notes that you took when you
9 were talking to him when you filled this out?

10 A No.

11 Q Were you literally typing this when you were
12 talking to him?

13 A Yes. It was on a -- the notes application.
14 The notes on the tablet. It's just like Post-It Notes
15 but it's on the -- the tablet.

16 Q On your tablet?

17 A Yes, on my tablet. And so I just -- I put
18 it in there, we discussed them. And then when I was
19 finished with it, I put it all on this. I deleted the
20 note because I transferred all of it onto this.

21 Q Okay. So on page 1 of Exhibit 5, there's a
22 section called limitations. Do you see that?

23 A Correct.

24 Q And it says here, 1, "Unable to operate/ride
25 in a vehicle greater than two hours due to required

1 safe sitting position." Do you see that?

2 A Yes.

3 Q And it says, "Prevents doing constant
4 vehicle patrols/rover."

5 A Correct.

6 Q And this is something that you submitted;
7 correct?

8 A Correct.

9 Q So this says that you are unable to ride in
10 a vehicle for greater than two hours. How did that --
11 are you saying that that was not something that was
12 intended to be an accommodation request for the CSO
13 position?

14 A Absolutely. That's an accommodation request
15 for the parking person that drives around that does
16 scanning for all the licenses plates in the parking
17 lot. They are required to be constantly driving. And
18 there is constant vehicle patrols that no -- CSOs do
19 not do constant patrols at all. Constant being
20 nonstop. At any time I can get stop and get out,
21 stretch my legs, and get back in.

22 And even sitting in the vehicle, safe
23 sitting position means as long as I can recline the
24 seat back for a couple minutes, I'm good to go. It's
25 the safe seating position, meaning, you are able to

1 hit -- see all your mirrors and sit in a position to
2 where you are safe where the airbag goes.

3 Q So I'm not understanding your answer to that
4 question. Are you saying that this restriction number
5 1 was not aimed at something you were doing as a CSO?

6 A Absolutely. It applied for a job that was
7 -- I had just mentioned. That was the parking people
8 who drive around through the parking lots and scanning
9 for parking fees, all the vehicles parked in the
10 parking lots. That was a possible reassignment
11 positions. Because, like I said, they are doing
12 constant vehicle patrol. The CSO does not do any
13 constant vehicle patrol.

14 Especially not greater than two hours,
15 because you could drive the entire airport in under
16 two hours.

17 Q Okay. Number 2. "Unable to repeatedly
18 stand up from a seated position. Prevents standing
19 for all face-to-face interactions."

20 A Correct.

21 Q That is something that applied to the CSO
22 position.

23 A Yes, it applies specifically to the portals.
24 But there is no mention of standing as an essential
25 function on the list -- on the job description.

1 Therefore, it's not an essential function. It's a
2 marginal function.

3 Q It goes on to say -- I think that's actually
4 supposed to be a return there in front of 3.

5 A It's just I had to do it that way because it
6 would wrap around and wouldn't be -- I tried to space
7 it so that it would all show up on the allotted space
8 on the form.

9 Q So you do agree, though, that sitting is an
10 essential function of the job?

11 A Absolutely.

12 Q And this says that you're unable to
13 repeatedly stand up from a seated position and it
14 prevents standing for all face-to-face interactions.

15 A Yes. And face-to-face interactions is what
16 we call those interactions at the portal. That's
17 specifically listed in the policy that that's a face-
18 to-face interaction. And that was specifically chosen
19 because they told us we need to stand for all face-to-
20 face interactions in the portal because it looks more
21 professional.

22 Q So you think that this moving from a seated
23 to standing position is not an essential function of
24 the job?

25 A That is correct.

1 Q All right. Number 3. "Unable to repeatedly
2 bend, squat, or stoop." And it says, "Prevents
3 inspecting items/bags on a table while standing."

4 A Correct. This is an essential function that
5 has the solution of a taller table. And it
6 specifically states prevents inspecting bags at a
7 table while standing, which is portals.

8 Q Okay. So you agree that number 3
9 definitely relates to the CSO position.

10 A Yes. That's an essential function of which
11 I had a reasonable accommodation of a taller table to
12 satisfy that.

13 Q And where does it say that on this document?

14 A Page 2 underneath reasonable accommodations
15 requested. They are numbered specifically in
16 accordance with the numbers that I gave on page 1.
17 You'll see number 1, "30 minutes out of vehicle every
18 two hours." That's for the parking. "No sitting to
19 standing greater than five times per 30 minutes,"
20 which is not an essential function. It's a marginal
21 function. And, number 3, "High tables for
22 inspections." That's the reasonable accommodation
23 we're requesting for that essential function.

24 Q And you understand, though, that DFW
25 couldn't just go in and pick and choose which of these

1 limitations they wanted to address; right?

2 A I don't understand the question.

3 Q So when you present to your employer
4 multiple different limitations and ask for multiple
5 different accommodations, you understand that they
6 can't just go in and say, "Oh, he's only asked for a
7 high table inspection, check, we can do that for him.
8 We don't have to talk about the interactive process
9 anymore."

10 A I explained that to them, to Carl Young, in
11 an e-mail several times. He -- I asked for him to
12 explain how he applied my limitations to the essential
13 functions and he gave me a list. And I corrected him
14 and said no, that doesn't apply, that doesn't apply,
15 that doesn't apply. And I put a summary on it saying
16 basically I'm requesting taller tables and chairs with
17 backs. Otherwise, everything I'm asking for is a
18 marginal function, therefore you don't have undue
19 hardship you can claim.

20 It's something that doesn't have to do with
21 the job, therefore you don't have -- you don't have
22 the option of not accommodating that. Because it's
23 not an essential function, therefore it has to be
24 done.

25 Q I think that was an e-mail exchange with

1 Mark Young, not Carl Young.

2 A It might have been Mark Young. It's two
3 Youngs. Yes. It was a very long e-mail where I went
4 back and forth. And then he just didn't ever respond
5 when I summarized it and said I need a taller table on
6 that.

7 Q I believe in that e-mail he also asked you
8 if your doctor had changed or amended your limitations
9 and you said he had not.

10 A Right. Because I said -- I said in there,
11 "If you have any corrections you would like to make,
12 let me know." And he assumed that to mean my
13 accommodations, not my explanation of those
14 accommodations to him, which is what the question was
15 referring to.

16 Q So what I'm saying is, Exhibit 5, right,
17 it's not just your requests that you typed in. It's
18 also pages from your doctor that your doctor wrote.
19 Do you see that?

20 A Yes.

21 Q And so when a doctor says, "Here's the
22 limits for -- here's the physical limitations the
23 employee can't do. Unable to operate or ride in a
24 vehicle for greater than two hours."

25 A Yes. He -- he repeated exactly what I put

1 on.

2 Q Okay. So you understand when a doctor puts
3 these limitations in place, that a company can't just
4 take the employee's word for it that those limitations
5 don't apply anymore?

6 A It's on the same form. I don't understand
7 how that would be difficult.

8 Q It's on what same form?

9 A It's on the exact same form. This is all
10 one form. This is the typed-out version of what he
11 wrote.

12 Q Yes. And what I'm saying is, your doctor
13 and you both gave all of these limitations and
14 presented them to DFW Airport and said these are the
15 things he can't do; correct?

16 A For all jobs. Not just the one I was in,
17 correct.

18 Q Yes. And so you understand that you just
19 saying, "All I need for this job is a taller table,"
20 DFW doesn't get to just say, "Okay. Well, we're just
21 going to listen to you instead of what your doctor
22 wrote here."

23 A Exactly what I said confirms -- coincides
24 exactly what's on this paper. If it's read correctly
25 and applied to the essential functions of the job and

1 used the actual phrases that I used, that I
2 specifically picked, to ensure that they applied to
3 only certain areas. That's why I put prevents. I
4 narrowed the focus of every limitation that I had to
5 exactly what it needed to help me with.

6 Q So you're the one that came up with these
7 restrictions.

8 A Yes, with my doctor. I'm the one that knows
9 my injuries. I'm the one that knows my job. I'm the
10 only one that's going to be able to make that
11 decision, and the doctor confirmed that, yes, he
12 agreed with that determination.

13 Q All right. So is it your testimony that --
14 you testified earlier that when you were doing the
15 vehicle patrol, it was only an hour to an hour and a
16 half job and you got to do whatever you wanted the
17 rest of that shift.

18 A Correct.

19 Q So you're saying that this prohibition for
20 driving in a vehicle for greater than two hours didn't
21 prevent you from doing car patrols?

22 A Because it wasn't a constant. Like I said,
23 I stopped and turned on the spotlight. That gives me
24 the opportunity to get out, to stretch my legs, to
25 lean the seat back. Constant means I'm never

1 stopping. Constantly, like, a lot of the times the
2 parking people, they have to constantly drive through
3 the parking lots the entire night and scan license
4 plates. They are only allowed to stop and get out of
5 the vehicle for their lunch break for half an hour.

6 Q So you picked the word constant?

7 A Yes. I specifically picked the word
8 constant, because that was exactly what I couldn't do
9 was drive nonstop with no opportunity to adjust myself
10 for two hours. It's like I mentioned, when I go on
11 family trips to go visit my dad. I have to stop at a
12 rest stop at two hours because I got to get out and
13 stretch my legs because it's a longer trip than two
14 hours. So it's not constant over two hours. But the
15 drive up to two hours is constant because you're on
16 the interstate driving nonstop.

17 So, yes, I narrowed it down. That's exactly
18 why I worded it exactly that way. Because prevents
19 focused it down to one specific thing. Because I know
20 what bothers me, I know where I get aggravated, and I
21 know what I need to prevent it from happening, and
22 that's what I wrote to enable me to do my job and to
23 do the -- and to request the minimum amount from the
24 airport. Because I figured that was the best way to
25 keep my job and do the thing that I loved.

1 Q So number 3 says, "Unable to repeatedly
2 bend, squat, or stoop. And it prevents inspecting
3 items/bags on a table while standing."

4 A Correct.

5 Q You'll agree with me that that language
6 appears to prohibit you from inspecting bags on a
7 table while standing. There's no caveat there; right?

8 A Exactly. It says inspecting bags --
9 items/bags on a table while standing, which is
10 specifically the only time that ever happens is on the
11 portal. And then -- and then yes. So that is an
12 actual essential function that I wrote, exact
13 copy/pasted right off of the essential functions.

14 And then I stated, this is the narrowing
15 down. It's not any other time. It's not working on a
16 gate. It's not working in the terminal --

17 Q It doesn't -- does it?

18 A It does say prevents -- it doesn't say
19 prevents me from doing vehicle inspections because
20 that is not an issue. And then if you go to page 2,
21 it specifically states on number 3, I need high tables
22 for inspections. That will satisfy that limitation.

23 Q It doesn't say high tables for inspections
24 satisfies --

25 A Number 3.

1 Q It doesn't say that.

2 A That's what it says. It says right here.
3 Reasonable accommodations requested. That's what I
4 requested, is a higher table. That satisfies that
5 limitation. If I had anything else I needed, would
6 have had to put it down under requested. I could not
7 allow the airport to just assume that I need, you
8 know, something when I don't. I need to be very
9 specific with it and make sure everything I'm laying
10 out is very specific and that way there wouldn't be
11 any confusion, but somehow there was.

12 Q Well, this doesn't say that high tables was
13 going to resolve preventing you from inspecting items
14 or bags on a table while standing.

15 A It -- it's a reasonable accommodation to
16 allow me to do that.

17 Q Okay. But it doesn't say that. You'll
18 agree that it doesn't say that.

19 A That's exactly how you interpret the paper
20 the way it's intended. That is exactly what it says.
21 Here is my problem, here is a solution. That's pretty
22 much how this form is laid out. That's why it says
23 here's my limitation, here's my requested
24 accommodation. Problem, solution. It's very
25 specific. I did it specifically so there wouldn't be

1 this confusion. And the fact that the airport thought
2 that me telling them that, being the actual person
3 with the disability is telling them this is all that I
4 need, and not taking that verbatim and just assuming
5 that it didn't apply to anything else is another
6 mistake the airport made.

7 Q Sir, you weren't just asking for a high
8 table, though. You were asking for all of these
9 things. And there is nothing on here that says number
10 1 only applied to a future job that I might want to
11 apply for. It doesn't say that, does it?

12 A Tim Richardson should have explained that to
13 everybody else that this was for not just one job.

14 Q No. No. I'm asking you what the form says.
15 Does the form say that?

16 A The form is for no specific job at all.
17 It's for any job. Where does it says civilian
18 security officer? Okay. It says it right there,
19 position/title. But it's for -- I was also told to
20 fill it out for any other reassignment job. I was
21 told that it needed to be able to cover everything,
22 not just the position you're in. Because a part of
23 reasonable accommodations is being reassigned.

24 Q Who told you part of reasonable
25 accommodations is being reassigned?

1 A Tim Richardson, the Matrix representative
2 for their ADA.

3 Q And is that in writing?

4 A Absolutely. I have it in an e-mail.

5 Q In an e-mail from Tim that says --

6 A Absolutely. I have it in an e-mail telling
7 him that --

8 THE REPORTER: Mr. King, I'm sorry.
9 Mr. King, I'm sorry. I know you're anxious to give
10 your response, but I can't hear you both talking at
11 the same time.

12 THE WITNESS: I do apologize.

13 THE REPORTER: Would you please allow
14 counsel to finish? Thank you, sir. Thank you. Okay.

15 THE WITNESS: Thank you.

16 BY MS. HARRISON:

17 Q What's the date of the e-mail that Tim
18 Richardson told you that part of an accommodation is
19 being reassigned?

20 A Middle of June. It was when I was telling
21 him that I was getting this form completed, and I had
22 -- I didn't have it scanned in yet. And I just typed
23 in what I had and I said I wrote it up just like you
24 said to be inclusive of any job in case I get
25 reassigned.

1 Q So that's something you said, not something
2 he said.

3 A That's something I confirmed to him in the
4 e-mail to basically verify that this is what we had
5 discussed.

6 Q And is that an e-mail that you've produced?

7 A Yes.

8 Q Item number 4 on Exhibit 5 is, "Unable to
9 repeatedly lift/carry over 70 pounds. Prevents moving
10 of heavy items." Did this apply to the CSO position?

11 A No, it does not.

12 Q What position did it apply to?

13 A Any administrative position that typically
14 has a lifting capacity requirement.

15 Q Number 5. "Unable to walk more than 45
16 minutes. Prevents doing constant terminal patrols."
17 Is that related to CSO position?

18 A It's a marginal function because walking for
19 an extended period of time does not designate the
20 actual -- what extended definition is. And looking on
21 DOL's workforce labor rates -- labor rating system,
22 walking six hours out of every eight hours is
23 considered light duty, and medium duty, and heavy
24 duty. Not construction. Construction is the highest.
25 And 45 minutes every hour is six hours in an eight

1 hour shift. So I comply with the DOL requirements for
2 job difficulties.

3 Q You agree, though, that part of your job
4 description and essential function is walking for
5 extended periods of time.

6 A Yes, and extended is a vague term. And I
7 quantified by saying 45 minutes, which in my mind is
8 definitely an extended period of time. If you look on
9 exercise websites, walking or running for 30 to 40
10 minutes is considered running for an extended period
11 of time.

12 Q So you told me about a shift earlier where
13 you constantly walk the terminal.

14 A Right.

15 Q And this says that this prevents doing
16 constant terminal patrols.

17 A I also mentioned that I stopped to check
18 doors. I stopped and talked to customers. I stopped
19 to sit on unattended bags. It isn't a constant walk.
20 You are stopping constantly. Just as I mentioned
21 before, the supervisors told us, "Walk till you're
22 tired, sit. Start walking again when you're rested."
23 So I --

24 Q So you picked -- I'm sorry. Go ahead and
25 finish.

1 A So I picked 45 minutes because that met the
2 DOL standard. That six hours out of every eight hour
3 shift is what they consider light duty, and medium
4 duty, and heavy duty as far as workload goes.

5 Q So did you pick the word constant in this
6 doing constant terminal patrols?

7 A Yes. Because every time I stop to talk to
8 somebody, that is no longer constant. So it gives me
9 -- because after 45 minutes walking constantly, which
10 I know from doing my exercise on my own, that after
11 about 45 minutes it hurts. So I don't want to walk
12 constantly for 45 minutes.

13 Q So what job was this intended to apply to?

14 A Any other job. I was just listing out one
15 limitation that I knew specifically that it was
16 something that I couldn't do, which was walking more
17 than 45 minutes. And in case there was a job that had
18 that, like landscaping, 'cause that's considered
19 construction, there's no limitation. So at that
20 point, if they tried to transfer me to landscaping, I
21 would have that accommodation.

22 Q Number 6. "Unable to stand greater than 20
23 minutes. Prevents standing at posts." What job was
24 that intended to apply to?

25 A The -- the curbside. I don't remember their

1 official title. But they got curbside parking where
2 they have to stand out at the curb and do -- do the
3 valet parking and do the taxi cab stands. And they
4 stand for constant. But the CSO job description does
5 not include the word stand at all. So it's not an
6 essential function. It's a marginal function.

7 Q You do agree that you did do a great deal of
8 standing as a CSO, though.

9 A It's still not listed as an essential --

10 Q Sir, that's not my question. Did you do a
11 great deal of standing as a CSO?

12 A Not extremely. Most of the time you were
13 either sitting or you're walking. So the only time
14 you would do the standing is if you were holding a
15 badge, looking at it, turn around, scan it, and give
16 it back.

17 Q So most of the time you were sitting or
18 walking.

19 A Correct.

20 Q Which are essential functions of the job.

21 A Yes.

22 Q Number 7 says, "Unable to use stairs over 25
23 steps. Prevents using stairs to ascend/descend over
24 two stories." What job was that intended to apply to?

25 A That was in case they reimplemented the

1 stairwell checks for CSOs. But at no point is there
2 any more than two -- two -- there's been more than two
3 stories to descend or ascend because all the terminals
4 are only three stories. And even then, it says per
5 every two hours. If you look at number 7. Use
6 elevator, which is available on every DFW building.
7 And/or stair use limit to once per two hours.

8 So I can still do more than two flights of
9 stairs, but it's got to be separated -- separated by
10 two hours. So that could apply to any job that's got
11 to walk around the terminal. CSE, the CSE supervisor.
12 It just means use an elevator, or if you're going to
13 use the stairs, don't do it more than once every two
14 hours.

15 Q When you had your accommodation phone call
16 on August 25th --

17 A Correct.

18 Q -- did you tell them at that point that
19 these restrictions, these limitations, were not
20 intended to apply to the CSO position?

21 A I disagreed on several occasions. But I was
22 talking to my senior manager. I was trying to be
23 polite, so I disagreed. And he came back and
24 disagreed with me, and I let it go. All I could do
25 was make sure I that I voiced my disagreement with his

1 analysis.

2 Q Disagreed about what?

3 A How he was characterizing what we did.
4 Because he has no experience doing that job. He had
5 only been on the job for a few months. I had been
6 doing it for years every day. And he tried to tell me
7 that he knew what I did every day, and I disagreed
8 with him on numerous occasions. But I wasn't going to
9 be rude. I figured I was going to have to go back and
10 work for this guy. I wanted to do it the nicest way.

11 So I did what I did. I made sure I -- I
12 disagreed with him. And then I wasn't going to
13 continue arguing with him. I let it slide. I made my
14 statement saying I disagreed. He don't agree with it,
15 then I'm not going to make this a big argument because
16 you're my boss and this is just what -- not how you
17 keep a job.

18 Q So if I'm understanding correctly, what you
19 disagreed with him about is whether these limitations
20 applied to things you did every day as a CSO.

21 A Correct.

22 Q Did you say in that meeting, "These
23 limitations aren't for the CSO position. They are for
24 any position I might apply for"?

25 A Any time he mentioned something that he

1 said, "You won't be able to do this," I corrected him
2 saying, "Well, that's not how we do that." We would,
3 you know, like he mentioned at the construction gate.
4 "Well, the construction gate, I saw that they never
5 took time to sit down." And I said, "When I worked
6 construction gates, we sat down. One person would do
7 the vehicles, the other person would do the escort
8 list. When you're doing the escort list, you would
9 sit down. You divvy up the work that way. We've been
10 doing it at the matter of being courteous to each
11 other and, you know, working together."

12 And he's like, "Well, I've never seen them
13 do it that way." And I left it at that. So I
14 disagreed when he made statements that were
15 incongruent to the job I do every day. So when he is
16 saying, "I watched this gate for an hour," okay. Well
17 I worked that gate for ten hours for four years. So
18 yeah. And that's why I referred to Bathyaa and Sam
19 Jones, two of the most senior people in the
20 department, when I -- when I came up with this. To
21 make sure that they thought, yes, you narrowed it down
22 perfectly. That should not be a problem.

23 MS. HARRISON: Okay. Objection.

24 Nonresponsive.

25 BY MS. HARRISON:

1 Q I want to focus in some more on some of
2 these restrictions and the things that you said you
3 were having difficulty doing just in the CSO --

4 A Okay.

5 Q Were you asking to be excused from having to
6 stand for all face-to-face interactions?

7 A No. I would -- I could stand for five of
8 them every 30 minutes.

9 Q Okay. How many do you think that you would
10 do in 30 minutes?

11 A I mean sometimes I'd get none. Sometimes I
12 might get six, seven, eight. It depends. You know,
13 it depends on how busy the gate is -- or how busy the
14 portal is.

15 Q So if you could only do five in 30 minutes,
16 who was going to do the rest of those?

17 A You don't have to stand up to check IDs.

18 Q Did you tell me earlier you also have to
19 look a person in the face and look between their eyes
20 and their nose?

21 A No. I look at their gap between their eyes.
22 And, I mean, I'm sitting down right now. I can look
23 at your eyes and your nose. There is no difference in
24 that from doing it at the portal. You can still look
25 at somebody's face and hold an ID. You don't have to

1 stand up. There's no point. I can still perform the
2 essential function, which is the verification of the
3 ID, while sitting.

4 Q Okay. So you weren't asking for somebody
5 else to do that. You were asking to be allowed to
6 continue sitting?

7 A Absolutely.

8 Q And one of your restrictions, though, is
9 unable -- never mind. And with regard to being unable
10 to repeatedly bend, squat, or stoop, are you saying
11 that that only had to do with baggage inspections?

12 A Correct, at the portal. Only had to do it
13 at the portal.

14 Q And so that, you don't believe, had any
15 impact on your ability to inspect a vehicle at the
16 gates?

17 A No. Absolutely not. Like I said, you back
18 up, you barely have to turn your head to look under a
19 vehicle.

20 Q Did you ever have to lift people's bags?

21 A No. We were told not to handle them if we
22 could help it.

23 Q If you could help it. But did you ever have
24 to lift people's bags?

25 A No. I didn't touch their bags. Most people

1 didn't ask me. We've had cockroaches come out of
2 their bags, crawl up people's arms.

3 Q In response to interrogatories, which is
4 Exhibit 4, interrogatory number 2, this asks you to
5 identify and describe every accommodation that you
6 requested related to your alleged disability. And
7 you've listed four accommodations that you requested.

8 The first one is in January of 2020. And it
9 lists some restrictions that you had. And said that
10 you requested accommodation. And as a result of that
11 accommodation request, isn't it true that you were
12 assigned to light duty on E dock?

13 A Yes. I was put under modified duty policy
14 on E dock.

15 Q Okay. And so you're not saying that this
16 accommodation was refused, are you?

17 A That's correct.

18 Q Okay. Then the next one is you said that
19 January 28, 2020 accommodation requested an admin role
20 with the limitations previously mentioned. And then
21 you say disability same, reason for request feeling
22 unproductive in current position. Do you see that?

23 A Yes.

24 Q So are you saying that there was a medical
25 reason for requesting the move to admin role from E

1 dock?

2 A It was a personal and professional reason.
3 Because I felt that I should be earning my check, not
4 just sitting down in the break room holding the chair
5 down.

6 Q Okay. But not a medical reason for that
7 request?

8 A Correct. What I was asking for was already
9 within my restrictions.

10 Q Okay. And then number 3, July 13, 2020
11 accommodation request. I think that's the one that
12 we've been talking about. Is that correct?

13 A That's correct.

14 Q And you are saying that that one was denied.

15 A Yes.

16 Q And number 4, August 25, 2020 accommodation
17 request to be reassigned to another position in the
18 company with the aforementioned limitations. And
19 you're saying that that was denied.

20 A Correct.

21 Q Who did you specifically ask to be
22 reassigned?

23 A I asked the entire group on the
24 teleconference, which was senior manager Bear
25 Stevens, Tim Richardson from Matrix, and both the

1 Youngs.

2 Q Okay. Do you think Tim Richardson has any
3 authority to reassign you?

4 A He actually said that he didn't want to
5 participate in it. That the airport needs to have
6 their own policy for it. Then there's the entire
7 discussion between Mark Young and Carl Young on how
8 are we going to do this, we don't have a policy for
9 it, let's take good notes because, you know, we're
10 going to have to probably make a policy out of this.
11 And let's work with him to get him reassigned.

12 Q So you're not aware of an existing policy
13 about reassignment for medical reasons? You're saying
14 there is no policy.

15 A There is no policy. The reasonable
16 accommodations policy DFW has does not cover anything
17 about reassignment.

18 Q And so are you saying that Carl Young said
19 that they were going to reassign you?

20 A Yes. Absolutely.

21 Q Did Mark Young say they were going to
22 reassign you?

23 A I have to look at the transcript. But, yes,
24 one of them said specifically they were going to
25 reassign me. And I'd like to add that the original

1 one that was modified duty isn't reasonable
2 accommodations because there's a termination date.
3 There's an expiration. ADA requires that there cannot
4 be an expiration to it. It can be changed, but it
5 can't be stipulated in the policy that it expires.

6 So -- and the fact that you have to wait six
7 months to be able to get -- shouldn't be under
8 modified duty, which means it's an FMLA program. Not
9 a reasonable accommodation.

10 Q Okay. I don't think I asked you a question
11 about that.

12 A I was clarifying the question before.

13 Q The question like multiple questions
14 before, about modified duty?

15 A The one on number -- for number -- yes. The
16 one on modified duty for number 1.

17 Q So are you saying that that --

18 A That you're misclassifying it because
19 calling it reasonable accommodations. Because the
20 policy does not abide by ADA requirements. And it has
21 to be available immediately upon hiring and even
22 before hiring, during the interview process and cannot
23 have an expiration date. And any changes must be done
24 while having to interact or process the employee to
25 discuss the changes, which never happened. I was told

1 it's canceled, you're going to go on short-term.

2 Q Was part of your business degree a course on
3 the ADA?

4 A I did a lot of reading on the EEOC website.

5 Q So no. The answer to that is no.

6 A All you do is -- just read. So reading, you
7 know.

8 Q You did not have a course on the ADA,
9 though, in school.

10 A Not necessary. You can find everything you
11 want on the internet.

12 Q So we're going to get through this a lot
13 faster if you'll just answer my questions. Because
14 I'm asking you questions, and you're adding a lot of
15 extra stuff. And that's fine. Like, we can sit here
16 a lot longer. That's absolutely fine.

17 We've covered this before, but I want to
18 make sure I understand. You did not apply for any
19 positions through the normal process after that August
20 28th [sic] meeting and before your termination?

21 MR. DAUPHINOT: Objection. Form.

22 MS. HARRISON: Let me restate that.

23 BY MS. HARRISON:

24 Q Did you apply for any jobs via the employee
25 portal -- no. Let me start that again. Between

1 August 25th when you had that meeting and your
2 termination date, did you submit applications through
3 the online portal for DFW for any positions?

4 A No. I was following the directions that was
5 given during that teleconference meeting, whom which
6 they said my point of contact was Mark Young. I
7 specifically asked, "Who should I send my request for
8 reassignment to?" And they said Mark Young. And then
9 Mark Young, when he didn't have the answers to the
10 questions, he referred me to Carl Young.

11 And Carl Young originally was giving me the
12 information, albeit slow and delayed weeks. And the
13 months goes by before I sent him another e-mail to get
14 a response. Until he finally in late November just
15 said, "You should get online and check. They are all
16 listed." Which is directly contradictory to what was
17 discussed in the meeting.

18 MS. HARRISON: Kimberly, are we on
19 Exhibit 6?

20 THE REPORTER: We are on Exhibit 5,
21 counsel. Unless I missed one.

22 MS. HARRISON: I think we marked
23 something as Exhibit 5 already, the application for
24 reasonable accommodation.

25 THE REPORTER: Okay.

1 MS. HARRISON: So I think we are on 6.

2 BY MS. HARRISON:

3 Q Have you seen this before, Mr. King?

4 (Exhibit 6 was marked for
5 identification.)

6 A Yes, I have.

7 Q Okay. I want to direct your attention, the
8 first e-mail in this string is from August 26, 2020.
9 It's from you to Mark Young. Do you see that?

10 A Yes.

11 Q And you say, "M. Young, I have found two
12 positions that I am qualified for. Terminal
13 experience supervisor is listed on internal job site.
14 There is also an open MCR spot that is open should be
15 posting soon. B Stevens is aware of it. I have also
16 attached my resume." Did I read that correctly?

17 A Yes.

18 Q And then Mr. Young replies on September 9th
19 and he says, "You need to apply for these through the
20 normal process." Do you see that?

21 A Yes.

22 Q And in response to that, you said, "I also
23 need to get a list of the positions that are currently
24 open under the 2 percent vacancy rate, as well as the
25 122 positions that are budgeted to remain vacant in

1 2021. I need this information in order to determine
2 which vacant positions I am qualified for. If you do
3 not have this information, please let me know who I
4 need to contact to get this information." Do you see
5 that?

6 A Yes.

7 Q Okay. You did not say in response to this
8 e-mail, "Hang on a minute. That's not what you told
9 me in our August 25 meeting."

10 A If you look at the first page, same date,
11 two hours later I did cover that. I said, "I was told
12 I would get information regarding the open positions
13 so I could determine which ones I qualify for in order
14 to facilitate a reassignment."

15 Q So that's not an e-mail with Mark Young,
16 though. That's an e-mail with Carl Young; right?

17 A That's correct.

18 Q So Mr. Young tells you on September 9th, you
19 need to apply for these through the normal process;
20 correct?

21 A Correct.

22 Q So did you think after he said that, that he
23 had submitted your applications for these two
24 positions that you listed in your e-mail?

25 A I don't know. He didn't say he did.

1 Q Did you understand from that that you needed
2 to start applying through the normal process for these
3 jobs?

4 A That wasn't what was told to me in the ADA
5 meeting for the teleconference. So he -- you know, he
6 didn't say he changed it. He just said the normal
7 process was -- now the normal process for me was using
8 him. Because that's what we discussed in the ADA
9 briefing was I was supposed to contact him. So for me
10 that is the normal process because we're talking about
11 ADA reassignment, not application for a job from a new
12 hire. I was following the directions they were giving
13 me in that briefing.

14 So as far as the normal process, what is the
15 normal process for reasonable accommodations
16 reassignment? There isn't one. I had to go on what
17 was told in the teleconference.

18 Q All right. So the e-mail that you wanted to
19 talk about a second ago, the exchange with Carl Young.
20 Carl gets looped into this because Mark says he is not
21 privy to the information that you asked for on
22 September 11th at 6:11 p.m.; correct?

23 A Correct.

24 Q So he is including Carl Young. And then you
25 write an e-mail to Carl Young that says you are

1 requesting the information concerning all of the
2 positions at DFW. And you said, "I requested
3 reassignment under ADA when my accommodations for my
4 current position were denied. I was told I would get
5 information regarding the open positions so I could
6 determine which ones I qualified for in order to
7 facilitate a reassignment. I would also like to apply
8 for the following two positions that I am already
9 aware of."

10 And you say they are not listed on
11 Connected. Is Connected the online system that anyone
12 can apply for a job in?

13 A Yes. That's the portal.

14 Q Okay. And then you go on to say you've
15 attached your resume and you are requesting certain
16 information. Same information you had asked earlier
17 of Mark; correct?

18 A Yes.

19 Q And then Carl does reply. He replies that
20 same evening at 7:20 p.m. He says, "Here is a listing
21 of open jobs. Some of them may not be posted mainly
22 because they are in the interview process. If the
23 people that are being interviewed are not successful,
24 they may repost the job." Did you see that?

25 A Yes.

1 Q What did you understand that to mean when he
2 said it?

3 A That they are not going to be listed on the
4 portal.

5 Q Did you understand that those jobs might not
6 actually be available for you?

7 A Yes. They said they are interviewing
8 people, yes.

9 Q Okay. And then he says, "I will pass your
10 resume along for the terminal experience manager." Do
11 you see that?

12 A Correct.

13 Q So he doesn't say he is passing your resume
14 along for the MCR operator; right -- for the terminal
15 experience manager.

16 A I found out later on the MCR was rolled into
17 the technical telecommunicator. So that was probably
18 why he wasn't familiar, because I didn't know MCR was
19 being -- operator was being phased out. That it was
20 being combined with the telecommunicator.

21 Q So just so I understand, you believe that
22 the normal process for applying for a job that Mark
23 Young was referring to was for you to submit your
24 resumes to Carl Young?

25 A That's what I was told in the teleconference

1 was to make sure to submit your resume -- my point of
2 contact was Mark Young, and then I submit a resume.
3 But then when I e-mailed Mark Young on the 26th of
4 August and he decided to respond on September 11,
5 almost two weeks later, and he told me that, I was
6 asking for more information. I was like, that's not
7 you giving me the information.

8 So then I quoted the annual business report
9 that I had access to that showed they had a 2 percent
10 vacancy rate, approximately 42 vacant positions.
11 That's a copy and paste from the business report that
12 was released. So that's how I knew a starting round
13 of how many positions were going to be open that I
14 should be able to apply for. And then -- but this is
15 before I discovered there's actually an airport
16 vacancy report. And that was never provided to me,
17 which should have been to me from the outset so I knew
18 which jobs were open and which ones I could look into
19 and ask for the actual job descriptions from.

20 But Carl Young, I admit, was excellent on
21 this first -- I e-mailed him, bam, he e-mailed back
22 the same day. I was like, wow, that's impressive
23 considering it took two weeks for the last guy. But
24 then he falls into the same pattern. So there is one
25 that is two weeks.

1 And I had to message him, "Hey, what's going
2 on?" Another one, I let it go for a month waiting.
3 "Hey," you know, I'm trying not to pester the guy. I
4 want him to be able to do his job. I understand he's
5 got a lot on his plate, but I know my time is running
6 out. Because I know short-term disability's got a
7 limited window. It's only got --

8 So I'm like, come on. We need to -- you
9 know, and I'm getting more and more frustrated with
10 the statement as it goes on because it's just plainly
11 obvious, you know, just delayed. Counting my days
12 down until I'm out of time. And then you just wash
13 your hands and think it's over.

14 Q Let's talk about that August 25th meeting.
15 Was there a meeting scheduled before that, that you
16 missed?

17 A I was not invited to it.

18 Q What do you mean?

19 A That was a meeting for only the -- the
20 manager and the other people that were in the meeting
21 to predetermine what they were going to say in the
22 meeting with me.

23 Q How do you know that that -- I don't
24 understand. I just asked was there a meeting that was
25 scheduled to discuss your accommodations before the

1 August 25th, that you missed?

2 A Yes. Because the title of my meeting was
3 meeting number 2.

4 Q Are you making an assumption about that?

5 A You don't number a meeting unless you had a
6 first one.

7 Q Okay. So you don't --

8 A And considering they did the same thing to
9 my wife with requesting some -- right now where they
10 did a meeting with her boss and Mark Young and -- not
11 Carl Young, but the new guy. And they actually not
12 only included my wife on it, even though she denied
13 it.

14 So I know they had a meeting beforehand
15 because they did it on the -- and as a good manager, I
16 would want to discuss the options first before I had
17 the sit down. So it would be good policy to do it
18 that way anyways. But the fact that they already
19 determined -- they had already behaved like they came
20 to a predetermined conclusion before ever talking to
21 me is where it becomes a problem.

22 Q Who was present at that meeting? The
23 meeting on August 25th.

24 A The one that I was in?

25 Q Yes, sir.

1 A Tim Richardson, Carl Young, Mark Young, and
2 Bear Stevens, and then myself.

3 Q And you understand that Tim Richardson is
4 not a DFW employee; right?

5 A Yes.

6 Q And your wife was also present at that
7 meeting?

8 A She was in the room with me, yes.

9 Q Okay. And you recorded the conversation?

10 A Yes.

11 Q What did you record it on?

12 A My tablet.

13 Q And why did you record it?

14 A To cover myself.

15 Q Meaning what?

16 A Same reason I kept all the e-mails. Because
17 it didn't seem like people were dealing with me
18 straight up. And it's my word against theirs. But if
19 I have your voice recorded, it's your word against
20 yours.

21 Q I'm going to hand you what we're going to
22 mark as Exhibit 7. Can you tell me what this is?

23 (Exhibit 7 was marked for
24 identification.)

25 A That is the transcript I worked three days

1 on to write.

2 Q So did you type this?

3 A Yes -- online service, but none of them
4 would do it correctly. So I had to go and do it
5 myself.

6 THE REPORTER: I'm sorry, Mr. King.
7 You were muffled. I couldn't understand you.

8 THE WITNESS: I said that I tried to
9 use an online service to do it, but they couldn't get
10 it right. So I had to do it myself.

11 THE REPORTER: Okay. Thank you.

12 BY MS. HARRISON:

13 Q Do you have other versions of this that were
14 created by an online service?

15 A Not that I -- I mean, it was just most of
16 the stuff they couldn't understand. It came out with,
17 like, saying stuff that wasn't even close to what was
18 really said. So because some of it is lower volume,
19 so I had to edit audio later to go in and take out
20 some of the background noise to be able to do it.

21 Q Is the version of the recording that you
22 produced in this lawsuit the version that was changed
23 with an audio editor?

24 A You mean the actual audio file?

25 Q Yes.

1 A No. That is the raw version of the file. I
2 did not do any -- all I did was open it in the audio
3 editor and then messed with it. But I did not do
4 anything to the actual file. That's the original
5 file.

6 Q Okay. And you typed this document that is
7 Exhibit 7?

8 A Yes.

9 Q Did you record any other phone calls with
10 DFW employees?

11 A No.

12 Q Was anyone in the room besides Ms. Miller?

13 A No.

14 Q Did your wife record phone calls with DFW
15 employees?

16 A No.

17 Q Your complaint alleges that you were
18 retaliated against for requesting a reasonable
19 accommodation when DFW Airport refused to consider you
20 for any positions you applied for in August,
21 September, and November of 2020. Is that right?

22 A Yes.

23 Q And you're also stating that you were
24 terminated in retaliation for requesting a reasonable
25 accommodation. Is that right?

1 A Correct.

2 Q So are you saying that DFW refused to
3 consider you for any of the other positions you
4 applied for and that was retaliation for requesting
5 your reasonable accommodation?

6 A The retaliation was when they terminated me
7 rather than finding me a new assignment.

8 Q I see. So in this case, I believe you've
9 told me that there are two accommodations that you
10 requested. One is the specific physical limitations
11 that were discussed in the August 25th meeting;
12 correct?

13 A Correct.

14 Q And the other one is reassignment. Is that
15 right?

16 A Correct.

17 Q And so which one of those do you believe you
18 were retaliated against for?

19 A Both of them.

20 Q Did you happen to tell anyone that you were
21 recording the August 25th meeting during that meeting?

22 A No. It's a single-party state. I don't
23 have to.

24 Q Do you know if DFW has any policies about
25 recording?

1 A Yes, I do.

2 Q What is their policy?

3 A You're not allowed to.

4 Q Okay. So why did you do that? Why did you
5 record when you knew that policy?

6 A Because I wanted to have it on record.

7 Q Were you ever written up while you were
8 employed by the DFW airport?

9 A Yes. One time.

10 Q Okay. I'm going to hand you what we're
11 going to mark as Exhibit 8. Do you recognize this as
12 the writeup that we just discussed?

13 (Exhibit 8 was marked for
14 identification.)

15 A Yes.

16 Q And you refused to sign this. Is that
17 correct?

18 A Correct.

19 Q Why did you refuse to sign this?

20 A Because it was mostly false. It had several
21 lies on it, which I sent a complain in to HR. And
22 they, rather than investigating it, threw it out.

23 Q So you appealed this; right?

24 A Yes.

25 Q And the appeal did not find in your favor?

1 A Correct.

2 Q Which part of this are you saying is
3 untruthful?

4 A Let's take it from the beginning. Let's
5 see. It's stated right here. "Acted outside the
6 duties and responsibilities of --"

7 Q Wait. Hang on. I'm sorry. Can you tell me
8 where you are pointing and then don't talk so fast,
9 because she really has to type.

10 A Yes. You're correct. On page 2, first
11 paragraph. Statement of issue description. It says
12 that, "At approximately 0340 hours, Officer Nathaniel
13 King took it upon himself to act outside the duties
14 and responsibilities of a civilian security officer."

15 Q Slow down just a little. I'm sure she's
16 very good, but I bet she can't type that fast.

17 A I'm going to read that again and go slow
18 this time. "On 5/7/2018, at approximately 0340 hours,
19 Officer Nathaniel King took it upon himself to act
20 outside the duties and responsibilities of a civilian
21 security officer." That was incorrect. I had several
22 officers sign an affidavit stating that we were told
23 by supervisors on numerous briefings that if we hear
24 something on the radio for police, we need to head
25 that way in case we need to assist. And that's all

1 that I was doing, was following that instruction by
2 supervisors. And I included this in my appeal when I
3 filed the complaint against the assistant manager for
4 the false statements made in here, which are in
5 violation of the DFW code of ethics is lying on a
6 formal form.

7 And it was dismissed without even
8 considering it. And then they say, "He did this by
9 interfering in a police pursuit of a vehicle on
10 airport property after hearing the radio traffic on
11 TAC-4." Again, you hear it on the radio, head that
12 way in case they need assistance. What we were
13 instructed to do. And on no way did I interfere. I
14 talked to the officer after the fact and he said that
15 I wasn't interfering, that I moved out of the way.
16 So -- and you also -- I also requested
17 through open records a copy of the dash cam video that
18 clearly shows me pulling onto the shoulder as he
19 approaches me and then driving past me. And that is
20 not interference. They're claiming that me turning on
21 the vehicle lights was interfering, which it's not.
22 It's merely identifying myself to the police officer
23 and then moving it out of the way.

24 Basically a warning, letting him know I'm
25 right here, I'm getting out of your way. And at the

1 same time, I was on the phone with police dispatch
2 saying, "What should I do? Do I need to do anything?"
3 And when they didn't tell me to do anything, they were
4 asking their supervisor, "Well, he's in front of the
5 pursuit. What does he need to do?" I moved over,
6 they went by. And they were like, "Well, we don't
7 know what you can do." I'm like, "Well, doesn't
8 matter. They already passed me."

9 So I went back to doing my patrol. So,
10 again, a false statement. I placed -- "Officer King
11 placed himself, DFW PD officers and airport property
12 in harm's way by attempting to assist in the police
13 chase." I did not in any way attempt to assist in the
14 police chase. I didn't place anybody in harm. I was
15 on the shoulder of the road when they went by on
16 International Boulevard right on the other side, if
17 you're going southbound International, right by
18 terminal F.

19 So -- and then, it says right here I turned
20 on my emergency lights. Yes. Because I was on the
21 phone, and I was telling them I was in front of him.
22 And they said, "Where in front of him?" And so I
23 turned on my lights so the officer would be aware that
24 there's a vehicle in front of him. And then, "After
25 realizing and confirming that an airport security

1 officer was interfering with a police department
2 operation, Officer King was directed by police to turn
3 off his emergency light bar and pull over."

4 And when this was put out on the radio, I
5 was already on the side of the road as shown by the
6 dash cam video that I have from open records. "At no
7 time was Officer King or any airport security unit
8 requested to assist by the incident commander or
9 police involved." I was told by the supervisor that I
10 needed to put myself in a position to be there to
11 assist as best as necessary. And at that point, I had
12 already headed the other direction. I was heading
13 south on International. The pursuit was heading
14 north.

15 And they turned around in north express
16 parking and came up behind me. I had nothing to do
17 with it. I was going my own way and he came up behind
18 me. It's not like I went and got in front of him. I
19 was already heading south when he made the U-turn and
20 came south behind me. And that's when I called
21 dispatch saying, "He's behind me. Do I need to do
22 anything? What should I do?"

23 And they're like, "We don't know. Hold on.
24 We'll go get it." But, okay, you're going 100-
25 something miles an hour. It takes 20 seconds and

1 you're fine and they hadn't had -- and I was on the
2 side of the road. And I was like, well, I tried. I
3 did what I was told to do. And I put all that in, and
4 you should have a copy of it in my personal file and
5 I'm sure you will be able to review.

6 And I completely laid out exactly what
7 actually happened, and it was completely disregarded.
8 And his absolute lie was taken for truth.

9 Q His lie. Who is he?

10 A Burton. John Burton, the assistant manager.

11 Q So you said in regard to the statement, "It
12 should be noted that at no time was Officer King or
13 any airport security unit requested to assist by the
14 incident commander or police unit involved in the
15 pursuit." And you said that was incorrect. Are you
16 saying that for this specific incident you were
17 requested to assist?

18 A No. I'm saying that prior to this I was
19 told by my supervisor, which was actually Boston, when
20 he was a supervisor before he was an AO, he put out
21 everybody in briefing, "If you hear something on the
22 radio, head that way so you can see if you can
23 assist." I was there not at my own decision. I was
24 randomly there because he made a U-turn. And I called
25 PD because you don't call your supervisor when you got

1 a PD chase. You call PD because I have a radio with
2 them to ask firsthand, "Hey, what do I need to do? Do
3 I need to help you?"

4 Because if I call a supervisor, if I was
5 able to assist, it would have been impossible because
6 I would have to call -- so I called the people who
7 were involved and said, "Hey, do you need anything?"
8 And in the meantime, I moved completely off the road
9 and parked. And they went by. And I said, okay,
10 well, I did what my supervisor told me to do.

11 Q So if you don't think that you violated
12 policy, why do you think you got written up?

13 A I have no idea. Just -- I mean, I could
14 make personal assumptions about the assistant manager,
15 but I don't think that's relevant.

16 Q Okay. And you received a two-day suspension
17 as a result of this; right?

18 A Yes, I did.

19 Q And you understood this was a final written
20 warning.

21 A Correct.

22 Q I'm going to hand you what we're going to
23 mark as Exhibit 9. Do you know what this is? Have
24 you seen this before?

25 //

1 (Exhibit 9 was marked for
2 identification.)

3 A No, I have not.

4 Q Okay. So this is a document that is
5 presented by each side called a rule 26 disclosure
6 where parties list out people, like for number A, for
7 example, name and address, telephone number of anyone
8 who might have information about the lawsuit. And
9 then here your attorney has listed a few people.

10 And I want to make sure that we talked about
11 the people. I'm going to skip past your attorney. So
12 I'm going to go to number 4, which is on page 2.
13 Bathyaa, is that the person we've been talking about
14 earlier? Okay.

15 THE REPORTER: I didn't catch that. Is
16 that Bathyaa?

17 THE WITNESS: Bathyaa, yes.

18 MS. HARRISON: Bathyaa, yeah.

19 THE REPORTER: Bathyaa, okay. Thank
20 you. I'm sorry. The audio went out.

21 MS. HARRISON: That's okay. I probably
22 said it differently also.

23 BY MS. HARRISON:

24 Q How long have you known him?

25 A Since I began working at DFW. I also sort

1 of met him -- he was my manager when I worked for
2 Evergreen doing the inner terminal baggage transfer.
3 But I never actually met him. He just was working at
4 the same as me. And he remembered me, but I never met
5 him. He just knew my name from papers.

6 Q And we've already talked about Sam Jones.
7 Who is Amanda Tregoning. Tregoning?

8 A Tregoning.

9 Q Tregoning.

10 A She is a friend of my wife's who she
11 referred her to ASD and she got the job. And she was
12 also one of the admin security people before she quit
13 and moved to Washington state to take care of her
14 mother.

15 Q Did you know her before she started working
16 at DFW?

17 A No.

18 Q When did she leave and go to Washington
19 state?

20 A I have no idea.

21 Q Was she still working at DFW when you
22 requested your accommodation?

23 A Yes.

24 Q When was the last time you spoke with her?

25 A When I was working there and I saw her at

1 work. She is an associate of mine. She does -- she
2 does artwork online. And that's how my -- and my wife
3 knows her. They do -- buy artwork off of her. So she
4 just happened to find out she was in the area and she
5 was looking for a job and so she was like, "Hey." So
6 they're not close friends. They had never met,
7 either, before they -- she started working at -- not
8 in person until they worked at -- until she had come
9 to ASD.

10 Q Have you discussed this lawsuit with her?

11 A I have not.

12 Q Do you intend to call her to testify?

13 A Yes.

14 Q And what knowledge does she have about this
15 lawsuit?

16 A She was one of the admin security officers.
17 She was the one who knew -- could verify that Cruz was
18 not there. Can verify that other backups were being
19 used in his stay instead. And she can also verify
20 when he returned to work the following January.

21 Q Have you asked for her to come to Texas to
22 testify?

23 A I did not. My wife did.

24 Q And has she said she will?

25 A Yes.

1 Q This says that this document, Exhibit 7,
2 says that she has knowledge about availability of
3 accommodations and your medical disability. What
4 information does she have about your medical
5 disability?

6 A She knows what my medical disabilities are.
7 I talk to everybody about it. It's pretty much just
8 normal conversation. When you meet me, one of the
9 first things I'm going to tell you is that I'm a
10 disabled military vet. I have these issues. For me,
11 it's not a secret. It's just something. It's a
12 conversation thing for me.

13 You know, almost anybody who worked with me,
14 that's one of the things. That's like one of our
15 initial -- first thing when we work together. That's
16 what we kind of bring up is talk about that kind of
17 stuff.

18 Q So she has knowledge of your disabilities
19 because you've told her?

20 A Correct.

21 Q When do you think you told her about your
22 disabilities?

23 A That would be -- 'cause when she originally
24 started, she was on our shift. But she only did that
25 for, like, I think a month. And I think the random

1 shifts, when it's two-person gates, it's random who
2 you are going to be with. You don't pick and choose
3 who you are going to be with. And I think I was only
4 with her like once or twice until she moved into the
5 -- spots. So, like I said, for me, it's just typical
6 conversation when I'm meeting someone at the gate.

7 When you're sitting there with each other
8 for eight to ten hours, you talk about pretty much
9 everything. You know, life stories are laid out
10 pretty quick.

11 Q When do you think you started telling people
12 about your disabilities at the airport?

13 A The day I started.

14 Q So these are disabilities that you had
15 already with the day you started; correct?

16 A Absolutely, yes.

17 Q But they weren't disabilities that you are
18 claiming were causing you any limitations in
19 performing your job at that point.

20 A We weren't doing the portals when I started.
21 Never had any --

22 THE REPORTER: Repeat that, sir.

23 THE WITNESS: We were not doing portals
24 when I started. Absolutely nothing in the job gave me
25 any issues up until we started doing portals.

1 BY MS. HARRISON:

2 Q What knowledge do you think she has about
3 availability of accommodations?

4 A She worked in the admin position, so she
5 knew when Cruz was gone. She also knew -- she was one
6 of the four.

7 Q And Cruz was coming back; correct?

8 A No given date. But, yeah, he was supposed
9 to eventually come back.

10 Q And when you say he was in D.C., was he
11 deployed because he was military reserved?

12 A Correct.

13 Q And you know that if somebody is deployed
14 because they are in the military, you have to keep
15 their job open for them; correct?

16 A Right. Their job open, but not a specific
17 position. That law only qualifies -- means you can't
18 -- he can stay a CSO, but any position that can be
19 based upon seniority can be changed as long as he
20 doesn't lose his job as a CSO. And since that was a
21 seniority job, and I had more seniority on him, I
22 could take his spot and he could still come in and be
23 a CSO. You don't hold that exact slot, you hold his
24 job open.

25 Q Does DFW decide who gets jobs based on

1 seniority?

2 A Yes. You do bids based on seniority. And I
3 -- and I bid for his spot on the July 15th bid. And
4 they told me I couldn't bid because there wasn't a
5 return date coming up yet.

6 Q Explain to me when you would bid for jobs.

7 A Every six months they do a bid where
8 everybody gets to select what shift they are going to
9 work and what days off they get. And night shift, or
10 A shift, I've been there long enough that I get to be
11 -- I get the -- had the weekends off, since everybody
12 -- I don't typically take the weekends, 'cause
13 weekends don't make anything special for me. So I
14 leave it open for my coworkers to get.

15 Q When you say July 15th, do you mean July 15
16 of 2020?

17 A Correct. I don't remember when the bid was,
18 but it went into effect on July 15th. And when I
19 tried to bid, I was told I wasn't allowed to bid
20 because I did not yet have a return date. And they
21 didn't want to prevent somebody else from taking that
22 slot in case I didn't come back. But at the same
23 time, they said that if I did come back, they would
24 give me the slot that I wanted and just create it to
25 give it to me since they had already given -- paid out

1 to someone else. It was an agreement that Bryan --
2 assistant manager Bryan gave to me.

3 Q What is Bryan's last name?

4 A Oh, that's his last name. I wonder what his
5 first name -- Daniel. Daniel Bryan. No. Bryan
6 Daniels. That's right. Bryan Daniels.

7 Q So is Bryan Daniels the person who told you
8 you couldn't bid for that job?

9 A Yes.

10 Q And Bryan Daniels is the person who you say
11 said that he would give you that job when you came
12 back?

13 A He would give me that -- that bid slot if I
14 was -- when I did come back. He said even if somebody
15 took it, because I wasn't going to bid, so obviously
16 someone is going to want to take those days. And he
17 said that if it comes up to you coming back to this
18 job, we'll just go ahead and make an extra slot and
19 put you on for the days you want instead of messing up
20 everybody's bid.

21 Q So you're talking about bidding for a
22 specific shift; right?

23 A It's a shift and days off, correct.

24 Q Okay. But the administrative security
25 position that Cruz was in, that's not just a different

1 shift, that's a different role, isn't it?

2 A But it's still based on B and C shift. It's
3 still on B shift. He would merely work at HQ. And at
4 C shift, he would work as HQ. You wouldn't rotate
5 into the gates with everybody else.

6 Q So that wouldn't really be the same as
7 bidding for his job. You were actually asking to be
8 put into a different role on July 15th?

9 A You can call it that. It's still a CSO.
10 It's not like a different -- they have a different job
11 function. Instead of working the gates, they work the
12 security cameras in the DPS.

13 Q And that is more of a permanent assignment.

14 A No. It's still bid on.

15 Q The shift is bid on, but the actual
16 assignment of being an admin security officer is
17 something that Cruz was -- he didn't have to bid for
18 that, he was already in admin security; correct?

19 A Everybody who is a CSO can qualify for that
20 job. You just have to request it. And then when you
21 request it, you have to wait for the bid to open. And
22 when the bid opens, you can say, "I want to do that."
23 And that's what I did. I said I wanted to bid for the
24 admin spots. And then they were like, "Well, you're
25 not going to be able to bid because you're not -- you

1 don't have a return date."

2 Q So are you saying that Bryan Daniels told
3 you that he was just going to put you into the admin
4 security spot or he was going to keep your shift?

5 A He just said he would create a slot,
6 whichever one I wanted, and put me in. So I don't
7 know if Virginia informed him I was trying to do the
8 -- do the admin spot, not the regular shift. Because
9 I originally was talking to her. And when I called in
10 to do the bid, 'cause I told her I was going to do
11 that, and when I called in for the bid, they didn't
12 answer my phone call.

13 And instead, right after I hung up, Bryan
14 called and said, "Hey, we're not going to let you bid
15 because you don't have a return to work date. And so
16 whatever bid you want, you know, if you get a return
17 to work date, when you come back, we'll just create a
18 spot and put you in it."

19 Q If you look at Exhibit, I believe it's 4,
20 the interrogatories. I want to look at number 7. It
21 asked you to identify by name and job title each
22 employee of Defendant that you talked about your
23 disability. There is a list of people in this
24 response. I know that we've talked about some of
25 these people already. Tell me, is Stephanie Lane the

1 Ms. Lane that you were referring to earlier that was
2 at that meeting in February?

3 A Yes, she was the acting AVP.

4 Q Okay. I understood from earlier that she
5 was not in the part of the meeting where you discussed
6 wanting to be assigned to admin security. Did I
7 remember that correctly?

8 A She came in right at the end of it.

9 Q Is there any other time you would have
10 discussed your disability with her?

11 A No. I never -- that was the only time I
12 ever actually talked to her. And I sent her one
13 e-mail just regarding -- actually, she sent me an
14 e-mail saying that I'm going to attend that meeting
15 with Bear. Other than that, I have never talked to
16 her.

17 Q And what did you tell her about your
18 disability in that meeting?

19 A I don't remember at what point she walked
20 in. But like I said, she was running late. So we
21 went ahead and started without her. And then towards
22 the end she came in and sat down. And then after I
23 finished up what I was talking -- I don't remember.
24 She might have been there the last five minutes ago.
25 Five, maybe ten. And then at that point is when I got

1 into bringing up the different complaints that some of
2 the officers had and stuff. And then I brought up the
3 fact that, you know --

4 'Cause she was like, "Well, why are you
5 bring this to us? Why aren't they are here?" I'm
6 like, "'Cause a lot of them, you know, they're afraid
7 of repercussions and being targeted and all this other
8 stuff, and so they come to me and, you know, they --
9 you know, and I'll take it to management because I'm
10 all right with talking to management. I don't get
11 intimidated by people."

12 So that's what I would do. I mean, I did it
13 to my supervisors all the time where people would come
14 to me, you know, we'd get done with the briefing, and
15 they'd be like "Oh, I don't like this, I don't like
16 that." And I took it upon myself to voice their
17 complaints. And even as I explained to them, I don't
18 even agree with them. Like, a lot of them were saying
19 they want to go back to eight hours. I love the ten
20 hours, 'cause you get three days off.

21 I would've rather have had, like, Wednesday
22 off. You know, work Monday, Tuesday, Wednesday off,
23 Thursday, Friday. So you'd always just work two days
24 in a row. But they wouldn't do the shift that way.
25 But people were complaining they wanted eight hours.

1 And I was like, I don't agree with that. I love the
2 tens. But some people were telling me, they're like,
3 it's interfering with their schedules. You know, it
4 makes it difficult 'cause you work ten hours one day
5 so you got to go pick up your kid and blah-blah-blah.

6 And it's just me, you know -- I'm just, you
7 know, that type of person. You know, I take care of
8 people. People are going to, you know, make
9 complaints and they're too scared to take it
10 themselves. I mean, there's no reason to be scared of
11 another person. So I'll go up there and I'll explain
12 it to them, even if it's not something I agree with.
13 It's still --

14 You know, and that's why I said I treat it
15 like a union rep. And that's when she said, "Well, we
16 should probably make you to do that."

17 Q So the only time that you potentially talked
18 to her about your disability would have been in that
19 February meeting.

20 A Correct.

21 Q And you don't remember what she may have
22 heard or not heard, because you're not sure when she
23 came in.

24 A Correct.

25 Q The next person that you list that I don't

1 think we've talked about is Caroling Chane. Who is
2 that?

3 A She is -- she was the supervisor for B shift
4 when I started there. And she is -- she's -- she was
5 an interim assistant manager while I was in the dock.
6 She actually, her and John Burton, are the ones that
7 came to visit me for the first time other than Sol and
8 Sam Jones. That's the only time that an actual
9 assistant manager actually came out to see what I was
10 doing. And that was like, I think the 18th or 19th of
11 April is when they did it.

12 Q So what do you think you talked to Caroline
13 Chane about?

14 A Oh, just like I said, I've talked to
15 everybody about my disabilities. It's just
16 conversation. You know, and you used to sit there
17 after shift was over. If you were doing driver
18 position, you'd have to turn the vehicle in and turn
19 the vehicle keys in to the supervisor. And typically
20 I'd sit there and talk to them for a little while and
21 ask them if they needed anybody to stay over, 'cause
22 somebody called off and they didn't have enough
23 people.

24 'Cause I would typically, after my shift I
25 go to the gym that's right on the airport, and work

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1 out. And so I would be like, "Hey, if you need me to
2 stay, it's not a problem." And so occasionally, you
3 know, there was one time I actually was at the gym and
4 I had just gotten to my first set and they called
5 saying, "Hey, we need Charlie South." Like, "Cool."

6 So her and Scott were the two supervisors
7 for B shift. So -- but I mean, I talk to everybody
8 about it. For me, that's just who I am. You know,
9 I'm a disabled vet. You know, I got issues, but I'm
10 here.

11 Q What do you do when you work out at the gym?

12 A Light weight. So -- I can't -- since I tore
13 the tendons in my triceps, so I can't bulk up. It's
14 they just start getting hurt and swell up. So I do
15 light weight. Just trying to keep myself in shape.
16 So I was working and I wanted to be, you know, wanted
17 to fit in the uniform but not look like I do now where
18 I put on 30 pounds since I lost my job. Just, you
19 know, just wanted to stay in shape because, you know,
20 I -- I get credit for every time I go to the gym, too.
21 For the live well.

22 If you go 40 times in a year per visit, if
23 you scan your badge, if you scan your tag in -- if you
24 go 40 times or -- do you remember how much it? I
25 don't remember how many times you had to visit. But

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1 you get a full-day's pay for an apple. And you can
2 get up to three apples a year. It's the online
3 courses. You have to do six of those, which, I mean,
4 you can do six of them in five minutes. They're so
5 easy. It's like a three-minute video and then Google
6 one answer, oh, there's one. And then you do that six
7 times and you're done.

8 But then you do the visits, the other one
9 with the doctor. You know, get the dental or an eye
10 exam and the doctors, they say you send that to the
11 airport. It's just so they can keep their insurance
12 costs low.

13 Q How often did you go to the gym after work?

14 A Nearly every day.

15 Q And would you do cardio at the gym?

16 A I I didn't have anywhere to run. I can't
17 run, really, anyways. Because running for too long is
18 just going to hurt. I try to do, like even at home
19 I've got a recumbent bike with the back, 'cause I got
20 to have back support. And I'll bike while watching
21 TV. But at the gym, it's just basically light weight.
22 Just doing bench presses, curls, that kind of stuff,
23 ab works, you know, just trying to build my core. You
24 know, what I can work.

25 Q You also have Keith Alderman listed. Who is

1 Keith Alderman?

2 A That was my FTO from when -- I don't
3 remember his name. Sibley. Sibley, he was my trainer
4 in the army. But Keith Alderman was originally an
5 officer, just like -- he was my FTO. He was my third
6 FTO. And he was the one I was working David South
7 with when Sibley told out to tell me I didn't qualify
8 for short-term disability or FMLA because I hadn't
9 been there for long enough.

10 And so he had been an officer for a while,
11 and then he got promoted to supervisor. And he was my
12 direct supervisor when I did come back in January. He
13 was one of the supervisors when I came back in
14 January. 'Cause it was him and Kai for my two
15 directs. And then Sol was on the shift, but not my
16 direct. But, you know, they all, depending on what
17 day they were on and I was off, they all three kind of
18 played the role.

19 Q So Keith Alderman was one of your
20 supervisors when you came back in January of 2020?

21 A Correct.

22 Q And did you talk to him about your
23 disability?

24 A Yeah, talked to him. Like I said, we worked
25 at posts together. I was with him for over two weeks

1 at FTO every day. And we talked about everything.
2 So, I mean, he was a -- he's a -- he's an army and an
3 air force vet. Got a dishonorable discharge, but he
4 was a medic. He actually -- you know, I mean, that
5 was with over two weeks we got to know each other
6 pretty well.

7 Q And who is Scott Turner?

8 A That's Scott. That's the person that worked
9 with Caroline as the B shift supervisor. He's the one
10 -- he actually knew my dad, 'cause my dad, when he was
11 working at Delta, he worked in the terminal tower when
12 he was -- he was third seniority in Delta DFW. And so
13 he was in the tower doing -- controlling maintenance
14 ops in the tower for the Delta terminal, which is
15 terminal E now.

16 And he worked -- and Scott was one of the
17 other airlines that was a sister company to Delta, one
18 of the regional air -- like, ASA or whatever. And
19 they worked together. Which is kind of cool because
20 when I was doing training for the academy, I was
21 talking about my dad, he goes, "Oh, really what's he
22 -- Charlie King, that sounds familiar." I showed him
23 a picture. He's like, "Oh, yeah. I used to work with
24 your dad."

25 So that was kind of cool. But, I mean, we

1 talked -- I talked to him anytime he was there. I'd
2 be like, "Hey, do you need me to cover anybody's
3 shift? Anybody call off?" Blah-blah-blah.

4 Q What about Michael Buckley? Who is he?

5 A He is another officer that got promoted to
6 supervisor. He is the one that I was -- I actually
7 had to get him kind of involved to give me some
8 information on the admin spot and try to get other
9 information that I'd like send in an e-mail and I
10 wouldn't get a response. And so I'd be like, "Hey,
11 Buckley, can you ask Alderman or see what's going on
12 with this?"

13 We had an assistant manager that was there
14 during that time. I don't remember his name, but he
15 wasn't there for like three weeks and then he quit.
16 But he was the one that approved me when I came back.
17 He was the one that signed off saying I could come
18 back in --

19 Q In January?

20 A January, correct. And so he --

21 Q Buckley was?

22 A No. Buckley is the one who is kind of my
23 intermediate. When I couldn't get any reply, I'd say,
24 "Hey, can you ask them about this? I'm not getting
25 any answers." And then he would e-mail them and

1 they'd respond to him.

2 Q And so who is it that responded to you about
3 your return to work in January?

4 A I don't remember his name. It was some --
5 it was an assistant manager that wasn't there. Maybe
6 a couple weeks before he quit. But it was just right
7 there at the beginning of January when he was there.
8 But Michael Buckley was the one that was kind of
9 getting me to get information from Alderman when
10 Alderman wasn't responding.

11 Again, I worked with him at the gates, too.
12 So we had the same -- this is -- he was a retired
13 police officer or Dallas County -- no, that's not him.
14 He was a retired law enforcement officer.

15 Q Okay. Tell me about your job search
16 efforts.

17 A After I got the termination letter, stewed a
18 little bit. Just trying to figure out what was going
19 on and what happened. And then I started to apply for
20 other jobs at the airport, 'cause this is the place
21 where -- I mean, the airport is awesome. There is no
22 ifs, ands, or buts about it. I love being there. I
23 love being around there. So I was trying to just get
24 me another job there. I want to work there. I want
25 to work there.

1 And then I was applying and applying. And
2 then I finally got an e-mail that said that you're not
3 available -- you're not considered for rehire. And
4 then at that point, I was like, wow, that's crazy.

5 'Cause what did I do? You know, I mean, these
6 positions I could easily do even with my disability.
7 Why am I suddenly marked as, you know, non-rehire-
8 able?

9 And so at that point, I applied for a few
10 other places. Like, I applied for Summit Racing,
11 which is similar to Alamo Autosports. But Summit is
12 more of a warehouse, and Alamo was actually a service
13 shop where we did work and we ordered parts from
14 Summit. And I tried to do that, and I didn't get the
15 -- I didn't get the e-mail in time to do the
16 teleconference with them.

17 He sent an e-mail, like, Friday night at
18 like seven o'clock saying, "Hey, we're going to do
19 teleconference on Monday at, like -- at eight
20 o'clock." Well, that weekend I was helping my friend
21 who got evicted move. So I didn't check my e-mail the
22 whole time. And I got up at like ten o'clock on
23 Monday and found out I missed it already. And I
24 e-mailed him back going, "Hey, hey."

25 And he never responded, which it's

1 understandable. If you can't be there for the
2 interview, then you're not going to be a quality
3 candidate, you know. So I figured, you know, I shot
4 myself in the foot on the a one. And then I applied
5 for other security jobs, like the Texas Health and
6 Human Services. That's because an old officer that
7 worked with me at the airport who moved out there --
8 who got hired on by them, she is three houses down
9 from the new house we bought.

10 And we just were walking the dogs, like,
11 "Hey, what's going on? You know, you should go work
12 for us." And so we were going through all that and
13 trying to get that. But I haven't been able to -- I
14 did the interview and they're waiting on HR, their
15 recruiter, to do all the paperwork so I can actually
16 get started on the job.

17 Q Is that with Texas Health and Human --

18 A Yes, Texas Health. And then I also applied
19 at Allied Universal 'cause they're taking over a lot
20 of our jobs at DFW. They're going to start working
21 the gates and everything like that as far as the
22 portals and -- they're taking over everything Maltos
23 was doing, which was the dock and the portals. And
24 they're expanding into the gates.

25 And so I was going to apply for that since I

1 worked there for four years. And I applied for the
2 supervisor job. And my wife talked to the -- the rep,
3 the hiring guy at DFW DPS headquarters. And he
4 swinging to give me a date to come in to do an
5 interview. He only has Tuesdays he can do it. And
6 it's only certain Tuesdays. So I'm still waiting to
7 hear back on him for when I can go in to do an
8 interview for him.

9 Q So have you been offered a job at Texas
10 Health and Human Services?

11 A Not yet.

12 Q Okay. Is it your understanding that you're
13 going to be offered a job there?

14 A I have been talking with my friends who, you
15 know -- Landers is her name, the one that lives down
16 the street. And talking to sergeant, Sergeant
17 Armstrong. And he's trying to get the HR guy to stop,
18 you know, sitting on applications -- 'cause he did the
19 interview and everything. And he's like, you know,
20 "We need you to come in because they are doubling the
21 amount of people at each hospital because of that
22 shooting up in north Dallas. And so they need people
23 and they need them now."

24 He's like, "We want you to come in." But
25 I'm just waiting to hear back from him. So I did get

1 an e-mail that says they're going to probably call
2 tomorrow around 9:30. So hopefully that's going to be
3 good.

4 Q Is that with Texas Health Resources or Texas
5 Health and Human Services?

6 A It's Texas Health -- it's Texas Health and
7 Human Services is the Texas Health hospitals.

8 Q Oh, okay. Have you applied for any other
9 jobs other than these three you listed in response to
10 interrogatory number 6?

11 A That would be it.

12 Q And the ones you applied for at DFW that I
13 think we saw on Exhibit 2.

14 A Correct.

15 Q Who was it that told you that you weren't
16 eligible for rehire at DFW?

17 A Pretty sure that was Mora, again.

18 Q Mora?

19 A Yes.

20 Q Do you know when that was?

21 A Not off the top of my head. December,
22 January.

23 Q So January of 2020? I'm sorry. December --

24 A That was a few days after my last
25 application. With my indication -- when you don't go

1 into work, you don't even know what day of the week it
2 is -- what day of the month.

3 Q So it looks like the last thing you applied
4 for was October 31st of 2022.

5 A I'm pretty sure it's probably -- would have
6 been closer to December.

7 Q Okay. Did you ask Mora why you weren't
8 eligible for rehire?

9 A No. They're not going to tell you. You're
10 just wasting your e-mail, wasting your time.

11 Q Did you withdraw an application for parking
12 operations specialist in June of 2021?

13 A I did not. I was doing the interview with
14 -- she used to be our HR rep for CSO. And she -- she
15 actually didn't know who I was, even though I was on
16 my application and my resume. She didn't know any of
17 my education background, didn't know nothing. She
18 called up saying, "Hey," blah-blah-blah, "Just letting
19 you know that this job is starting at, like 15-
20 something an hour." And I said, "Well, I need, like,
21 17.50."

22 And she's like, "Well, we can't do 17.50
23 because, well, you know, the people here earning
24 17.50, they've all been working here for like four,
25 five years." I'm like, "That's great, because I've

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1 worked at the airport for almost five years. So I'm
2 right there." "Well, they also have associate's
3 degrees." "Oh, well, good. I have a bachelor's
4 degree. So maybe I should ask for more, but I won't.
5 I'll just take 17.50. I'll let you know that my
6 previous job is a CSO and you know me from this job, I
7 was earning almost 20 an hour. So I'm only asking for
8 17.50."

9 And she's like, "Well, do you have any
10 experience in a call center?" And I was like,
11 "Absolutely. I worked in the Falk as a communications
12 specialist and I had to monitor four to six radios at
13 a time all by myself constantly chattering, including
14 while in Iraq getting, you know, doing patrols in an
15 active combat zone. And so you can consider that a
16 pretty high pressure call zone."

17 She's like, "Oh, okay. Great. But are you
18 willing to work, for like, \$15 or 15.50 an hour." I
19 said, "No. I told you I need 17.50. And according to
20 you, I should be asking for more, but I'm not because
21 I just want to have this job." And she's like, "Well,
22 we're not going to continue this interview if you're
23 not going to be willing to work for 15.50."

24 And I told her, "Well, if you're not willing
25 to pay me the 17.50 that you say you pay everybody

1 else at the exact same time at the airport and less
2 education, then I don't see why we're talking. But
3 you can keep my application for if you decide you
4 can't fill this spot and you want somebody that's
5 going to do a good job. Then you can call me back."
6 And that's when she was like, "Well, I probably won't
7 call you back." I was like, "Okay."

8 Q Okay. Interrogatory number 10 asked you to
9 list the damages that you are looking for in this
10 lawsuit.

11 A Okay.

12 Q Okay. You said lost wages beginning on
13 April 27th of 2020. Why is that the date that you
14 start your lost wages?

15 A Because my last day of actual work was the
16 24th of April, a Friday. And then the 27th was the
17 day I started my short-term disability, and at which
18 point I was on a reduced pay. I think it was 40
19 percent. So there -- and then that didn't even
20 continue for the entire time while I was on short-term
21 while I was on -- before I was terminated in December.
22 Because they only paid me for the 180 days.

23 But I had to appeal originally when I
24 applied for my short-term disability and they denied
25 it because I didn't have -- I wasn't currently

1 undergoing medical treatment with my doctor. And I
2 had to file an appeal to explain to them that it's
3 COVID. These are elective procedures. You don't get
4 to see a doctor. And so they agreed with my appeal,
5 and my appeal went through.

6 And then the very next day is when they
7 mailed out my termination letter. But that actually
8 gave me a couple more days over 180 of which I wasn't
9 paid for that period. So I don't remember exactly
10 when the cutoff was. But I think it was sometime in
11 October that they paid me up until as far as the 40
12 percent. That'd be something that accounting/payroll
13 would know more than anybody else.

14 Q And your salary was 40,600 a year?

15 A Correct.

16 Q Was that a salary or were you paid on an
17 hourly basis?

18 A It was an hourly basis, but when they talked
19 about it, it was always described in -- and so it was
20 like 19.96 an hour or something like that was when
21 they talked about -- even when I was offered the job,
22 they told me I was going to start at 36, 5 but it was
23 actually like 18.20 an hour or something when that --
24 you know, when I actually got the contract for it.

25 So when they told -- when I got my pay raise

1 for that year, it was 40,600. And then they broke it
2 down to being like 19.96 per hour.

3 Q And did you ever work overtime?

4 A Very rarely, because I didn't -- I live
5 within my means, and a lot of officers might to try to
6 make their bills. I don't want to take that from
7 them.

8 Q It looks like you're also asking for an
9 annual bonus. You said you typically received an
10 annual bonus of 5 percent of your income.

11 A It's -- it's the accrued bonus, the
12 performance bonus that they give every year.
13 Typically I get around, you know, 2.75 to 2.95. And
14 then the middle of 2021, they also -- at the beginning
15 of 2021, they gave a 3 percent flat raise to everyone
16 that was hourly, not salary. So anybody that's
17 managerial did not get the pay raise.

18 And then on top of that, in the middle of
19 the year, 2021, they added a 5 percent raise to
20 everybody that was salary. And then, of course, the
21 normal performance raise is anywhere from 2.75, 2.85,
22 depending on your eval.

23 Q I'm asking about the bonus the you say --

24 A That's -- sorry. That's the bonus I'm
25 referring to. It's just the annual pay raises.

1 Q Oh, so it's not a bonus. It's a pay raise.

2 A Correct. It also includes the apples that I
3 was referring to, of which I do two every year. I
4 never do the medical one because trying to get an
5 appointment with the VA, good luck with that.

6 Q So you're not saying that you got a 5
7 percent bonus every year. You're saying that they
8 were raises.

9 A Correct. Those are just the raises that
10 were given to the DFW employees during the period that
11 I was not employed.

12 Q And there was also a longevity bonus?

13 A Yes.

14 Q And what was the longevity bonus for?

15 A For every year you got -- for every year you
16 were working there, you would get an extra bonus for
17 being an employee. Just longevity with the company.

18 Q When was that paid?

19 A Same time as the apple.

20 Q Do you remember when that was?

21 A Typically -- 'cause the fiscal year ends in
22 October. So it was typically like November or early
23 December.

24 Q Did you receive that in November of 2020?

25 A No.

1 Q You were still employed at that point,
2 though; right?

3 A Yes. But they never -- they were still -- I
4 don't -- I think it's that you don't qualify for it if
5 you're on short-term disability, I believe. But I
6 never got paid for that. I knew that much.

7 Q And are you asking for your salary going
8 forward as damages in this lawsuit?

9 A Yes.

10 Q How many years do you think that you should
11 be entitled to your salary going forward?

12 A Three to five.

13 Q And why do you say three to five? What do
14 you base that on?

15 A Because that's --

16 THE REPORTER: I'm sorry, Mr. King.
17 I'm losing the audio. I'm sorry. I lost the audio.
18 I'm sorry. If you guys can hear me, I lost the audio.
19 I'm going to get us off the record. The time now is
20 5:31 p.m. and we are off the record.

21 (Off the record.)

22 THE REPORTER: The time now is
23 5:36 p.m. We are back on the record.

24 BY MS. HARRISON:

25 Q So you're asking for three to five years of

1 your salary as damages going forward. Is that
2 correct?

3 A Yes. I think we just decided on three
4 years.

5 Q Okay. And what are you basing that on?

6 A Just the fact that I was hoping to work with
7 the airport for many years to come.

8 Q And you're also asking for damages for
9 emotional pain and suffering. Is that right?

10 A Yes.

11 Q And what is the basis for those damages?

12 A The depression, the lack of enthusiasm, the
13 inability to focus. Just, it came as a big shock to
14 me. Like I said, I thought I had -- so I could
15 continue working, doing the job that I love. Instead,
16 I lost that opportunity. And it just, you know, it's
17 not very often that you get to say you're working your
18 dream job. And so, you know, it's really destroying
19 my confidence for sure.

20 And taking that I would work for this -- for
21 a company for almost five years and they would just
22 throw me to the side like that and just -- you know,
23 it just makes it -- makes it really hard to, you know,
24 deal with that. Because, you know, I've always
25 worked. I mean, I've worked since I was 14. I lied

1 on my application when I applied to work when I was 14
2 and said I was 16. You know, working is just, it's
3 who I am. And not being able to work is just -- it's
4 -- it's just disheartening.

5 You know, like I said, it's -- it's, you
6 know, very -- sorry. Sorry, it's just, I mean, it's
7 made everything difficult since, you know, now I'm at
8 home and my wife points out that I'm a lot easier to
9 set off, you know, as far as getting me upset. And
10 normally I'm easy going. And I almost never yell.
11 And just everything that's been, you know, real short.
12 And it's made our relationship very difficult because
13 it's hard to know who I am when I don't have a job.

14 And it's hard to want to go and get a job
15 somewhere else when you know you had the best job you
16 could ever imagine. And that's why I kept trying to
17 apply at the airport. Like, I'll just get back in the
18 door somewhere. And -- and be able to get back to
19 this and go back to the airport and do what I enjoy
20 and be around things that I enjoy. And so when they
21 told me I wasn't up for rehire, I mean, that was --

22 My wife came home, and I was crying, and she
23 was like, "What's wrong?" And I was like, "They won't
24 rehire me. They said I can't rehire." And, you know,
25 she just sat there and, you know, let me cry. And --

1 sorry. You know, I tried to do the other jobs and I
2 just screwed up on the Racing, Summit Racing. You
3 know, that probably would have been something that's
4 another interest. Not my life dream, but it was
5 something.

6 But now, Texas Health, they're having a hard
7 time working through that. Trying to get something.
8 Get back to being who I am. And just, it's -- it's
9 hard to deal with. And it's --

10 Q Have you seen a mental health professional?

11 A I have one scheduled. It's for April 14th.
12 Unfortunately, like I said, a month late for the VA to
13 get in. But I did -- during my divorce, I had a very
14 hard time with that. And I did a lot of counseling,
15 group sessions, and, you know, you rely on a lot of
16 that to, you know, as far as coping mechanisms and
17 stuff like that. So I was fairly prepared. But you
18 can't control everything. You can't keep it all
19 inside forever.

20 And unfortunately, it's -- my wife has been
21 great dealing with it. But I know it's been difficult
22 for her too. And the fact that she goes into work
23 every day and knows I'm not there, it's very hard for
24 her too.

25 Q Are you taking any medications to help you

1 with your feelings?

2 A No. Because they have to -- they can't
3 start a medication plan until I've had an actual visit
4 with the psychiatrist, which is on the 14th of April.
5 So we're going to go over a medication plan. I mean,
6 it's something I got to do. I don't like relying on
7 meds, but, you know, you got to do what you got to do.
8 If anything, to help my wife out so she doesn't have
9 to worry about me, you know, getting upset over the
10 littlest things.

11 And not having -- I mean, it's -- it's so
12 hard to keep focused. I probably bought 67 different
13 -- 60, 70 games on Steam to play on my gaming
14 computer. And I haven't turned it on in over a year.
15 I keep buying games, "Oh, I'm going to play this one,"
16 and I never get motivated to do it. And I've been
17 trying to find games that I had interest in before
18 that just --

19 Like, I was playing Assassin's Creed
20 Odyssey, which is amazing graphics. It's about
21 ancient Greece. And the first time I bought it and
22 played it, I played -- 'cause it logs it on the
23 PlayStation how many hours you played. I've played,
24 like, 470, 480 hours of it. And then the -- last
25 months of just playing it, just constantly.

1 And I went to restart it thinking, oh, I
2 haven't -- haven't played in the last two weeks. And
3 so, like, I can't. I'm just bored. So I downloaded
4 another game, and another game, and another game. And
5 I'm back to Skyrim, which I haven't played since 2015.
6 So it's just trying to find something to keep me
7 interested so I'm not just staring at the wall
8 thinking about what's going on with this.

9 You know, it's just -- you know, I stare at
10 -- I see all these chores I need to do, and I just
11 can't get motivated to do them. I should have mowed
12 the yard like two weeks ago. And I never managed to
13 do it. I had recycling that I was supposed to -- I
14 had boxes 'cause I ordered stuff off Amazon, that are
15 still sitting in the living room for like a month and
16 a half now. I should put them out every Thursday.
17 I never have to -- it's just hard to keep
18 them from -- it's just hard to get motivated. It's
19 hard to sleep at the same time. And I'm tired all the
20 time, yet I can't go to sleep. Like, I had to buy a
21 bottle of melatonin just so I could get to sleep. And
22 then, you know, the other times I actually get -- when
23 I take pain meds. Because I did something that maybe
24 I shouldn't have.

25 Like I decided, you know what, I can mow.

1 And I can do a little bit of edging. Or I can go
2 outside and pull the weeds in the front yard. And
3 that didn't work out too well. So --

4 Q Okay. Thank you for sharing that. Is there
5 any other category of damages that you're asking for
6 in this lawsuit? I do want to ask for that attorneys'
7 fees.

8 A Oh, yes. The attorney fees. Michael
9 Fallings. With him was 7,500. The one in Florida, he
10 didn't charge me anything. And then the 10,000
11 retainer with my current attorney.

12 Q And have you used all of that retainer so
13 far?

14 A Pretty much. I think -- yeah. I had like
15 barely 1,000 at the end of last month. So --

16 Q Are you going to be required to pay another
17 retainer?

18 A No.

19 Q Okay. What is your arrangement for paying
20 attorneys' fees going forward?

21 A I'm not going to have any attorneys' fees.
22 The 10,000 and then 20 percent of whatever the
23 settlement is.

24 Q Have you seen a job description for the
25 security position that you've applied for at Texas

1 Health?

2 A Yes.

3 Q And can you do that job physically?

4 A Yes.

5 Q Is it a different job description than the
6 CSO?

7 A Yes. It's much more -- I guess you would
8 call it more intensive security. You're wearing body
9 armor. You'll have mace. You're going to have a
10 different type of -- so I have to have a level 2
11 within 14 days, which they provide the training. And
12 then the 60 days, I have to get my level 3. Level 3
13 is armed, but they don't do armed. But you have to be
14 level 3 armed to use a taser.

15 And so a taser and pepper spray and body
16 armor. Which, none of that was at the airport. You
17 didn't get anything like that.

18 Q Okay. Did you apply for long-term
19 disability?

20 A I did. I got it for, like, one month. But
21 it required me to do constant updates with the VA,
22 which with the VA, that was during the last half of
23 the COVID pandemic. You can't get appointments with
24 the VA. And so I couldn't keep it updated. And so I
25 just let it slide. I was just like, I can't -- I

1 mean, I would have to go to sleep at the VA clinic
2 every day and sit there over 12 hours a day to be
3 there when they open till they closed to get the
4 paperwork done. I mean, dealing with the VA, it makes
5 it very difficult for trying to get medical
6 information.

7 Q So you got long-term disability through DFW
8 Airport's insurance carrier for one month?

9 A Correct. A month or something like that,
10 yes.

11 Q And then did they tell you that the
12 requirement was that you had to have monthly updates
13 on --

14 A Yes. They told me that I have to do every
15 month. I think it was every six weeks I had to
16 resubmit the paperwork. So it was sort of like
17 short-term disability. But short-term disability was
18 every four weeks. And that was really difficult
19 because I spent basically any day I wanted to work at
20 the VA waiting because they don't do third-party. You
21 can't.

22 You'll do the paperwork to do -- open to
23 allow medical access to your medical records, but the
24 VA doesn't care about that. You have to do it
25 yourself. They will not hand anything over to a

1 third-party. They won't fax anything to anybody.
2 They won't. If they get a fax, they throw it in the
3 trash. I have to hand deliver the paperwork, they
4 will fill it out, and then I will take it, scan it in,
5 and then I will e-mail it. That's how I had to do it
6 for my short-term and my FMLA.

7 Q Are you still under the same limitations
8 that your doctor wrote in your request for
9 accommodations?

10 A Yes.

11 MS. HARRISON: I think I'm done. If we
12 can take a quick break.

13 MR. DAUBINOT: That's fine.

14 THE REPORTER: Okay. The time now is
15 5:49 p.m. and we are off the record.

16 (Off the record.)

17 THE REPORTER: The time now is
18 5:51 p.m. We are back on the record.

19 BY MS. HARRISON:

20 Q Mr. King, are you contending that you
21 haven't been rehired at DFW Airport because of your
22 disabilities?

23 A Yes.

24 Q And why do you think that?

25 A Because I've applied for positions that I

1 completely qualify for. And I actually can read the
2 job descriptions from the portal. And there's
3 absolutely no reason I should not have been considered
4 for those positions or at least called in for an
5 interview. I should have been a prime candidate,
6 especially with experience, my degree, experience
7 already working there.

8 Q Is there anything you'd like to supplement
9 regarding your testimony today?

10 MR. DAUPHINOT: Objection to form. You
11 can answer.

12 A None that I can think of.

13 Q Have you understood my questions?

14 A Yes.

15 Q If you didn't understand, did you ask me to
16 clarify?

17 A Yes, I did.

18 MS. HARRISON: That's all I have. Pass
19 the witness.

20 MR. DAUPHINOT: Pass the witness.

21 THE REPORTER: Mr. Dauphinot, did you
22 pass the witness as well?

23 MR. DAUPHINOT: I did, yes.

24 THE REPORTER: Okay. And Ms. Carlisle?

25 MS. CARLISLE: Yes. No questions from

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1 me.

2 THE REPORTER: Thank you. No questions
3 as well. Thank you.

4 The time now is 5:52 p.m. and we are
5 off the record.

6 (Signature reserved.)

7 (Whereupon, at 5:52 p.m., the
8 proceeding was concluded.)

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1 CERTIFICATE OF DEPOSITION OFFICER

2 I, KIMBERLY HOLTON, the officer before whom
3 the foregoing proceedings were taken, do hereby
4 certify that any witness(es) in the foregoing
5 proceedings, prior to testifying, were duly sworn;
6 that the proceedings were recorded by me and
7 thereafter reduced to typewriting by a qualified
8 transcriptionist; that said digital audio recording of
9 said proceedings are a true and accurate record to the
10 best of my knowledge, skills, and ability; that I am
11 neither counsel for, related to, nor employed by any
12 of the parties to the action in which this was taken;
13 and, further, that I am not a relative or employee of
14 any counsel or attorney employed by the parties
15 hereto, nor financially or otherwise interested in the
16 outcome of this action.

17
18 *Kimberly J. Holton*
19

KIMBERLY HOLTON

20 Notary Public in and for the
21 State of Texas

22 [X] Review of the transcript was requested.
23
24
25

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I, ALEXANDRA SUTPHIN, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.


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